COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

FIRST REPORT

DEPARTMENT OF SOCIAL WELFARE

Re-organisation of the Offices of the Commissioner for Scheduled Castes and Scheduled Tribes and Director General, Backward Classes Welfare

LOK SABHA SECRETARIAT
NEW DELHI

November, 1969/Agrahayana 1891 (S)

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6. Shri Ramchandra Ulaka
7. Shri B. T. Kemparaj
8. Shri B. D. Khobaragade
9. Shri Dayal Das Kurre.

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this first Report on the Reorganisation of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes and the Director General, Backward Classes Welfare (Department of Social Welfare).

2. In pursuance of a motion adopted by the Lok Sabha on the 30th August, 1968, and concurred in by the Rajya Sabha on the 25th November, 1968, the Committee on the Welfare of Scheduled Castes and Scheduled Tribes was constituted with 20 Members elected from the Lok Sabha and 10 Members from the Rajya Sabha.

3. The term of the office of the Committee is for a period of two years beginning from the date of their first sitting, *i.e.* from the 18th December, 1968.

4. At their sittings held on the 7th and 14th May, 1969, the Committee decided to constitute a Sub-Committee consisting of 9 Members to examine the Reorganisation of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes and the set-up of the Department of Social Welfare with special reference to the office of the Director General, Backward Classes Welfare.

5. The Sub-Committee of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes took the evidence of three former Commissioners for Scheduled Castes and Scheduled Tribes, *viz.* Shri L. M. Shrikant, Shri Anil Kumar Chanda and Shri S. C. Sen Gupta on 25th July, 1969, 26th July, 1969 and 18th August, 1969, respectively. The Sub-Committee also took the evidence of the present Commissioner (Shri N. K. Bose) and of the representatives of the Department of Social Welfare (Shri P. P. I. Vaidyanathan, Additional Secretary, Department of Social Welfare and Shri N. Sundaram, Director General, Backward Classes Welfare, Department of Social Welfare) on 30th July, 1969 and 31st July, 1969, respectively.

6. The Committee wish to express their thanks to the former and present Commissioners for Scheduled Castes and Scheduled Tribes and also to the Officers of the Department of Social Welfare for

giving evidence and for placing before the Committee the material and information they wanted in connection with the examination of the subject.

7. The report was considered and adopted by the Sub-Committee on the 12th November, 1969 and approved by the whole Committee on 13th November, 1969.

D. BASUMATARI,
Chairman,
Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

NEW DELHI;
November 26, 1969.
Agrahayana 5, 1891 (*S*).

CHAPTER I

ROLE OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

1.1. The Constitution of India provides for a number of safeguards for the Scheduled Castes and Scheduled Tribes, which, between them, form 21.47 per cent* of the total population of India. These safeguards provide, *inter alia,* for representation of Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies, appointment of Ministers in charge of tribal welfare in Bihar, Madhya Pradesh and Orissa, appointment of a Minister specially in charge of the welfare of the autonomous districts and autonomous regions in Assam, their representation in the Central and State Services, abolition of the practice of untouchability, throwing open to them of Hindu religious institutions, admission into educational institutions and special provision for their social, educational and economic advancement. These safeguards have apparently been provided to facilitate the implementation of the Directive Principle contained in Article 46 of the Constitution, which reads as follows:

> "The State shall promote with special care the educational and economic interests of weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

1.2. The responsibility of investigating all matters relating to the safeguards provided in the Constitution for Scheduled Castes and Scheduled Tribes is vested in the Commissioner for Scheduled Castes and Scheduled Tribes. Article 338 of the Constitution provides:

> "(1) There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.
>
> (2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those

Vide 1961 Census.

safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

(3) In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also to the Anglo-Indian community."

1.3. In accordance with this provision, the post of Special Officer was for the first time filled up on the 18th November, 1950 and designated as Commissioner for Scheduled Castes and Scheduled Tribes. The first Commissioner was Shri L. M. Shrikant, who remained in office till end of December, 1961. During the course of his evidence before the Committee, Shri Shrikant has stated that he was appointed after the designation of the post had been decided by the President and the Ministry of Home Affairs.

1.4. The subsequent incumbents to this post were Shri Anil K. Chanda (from 25th April, 1962 to April, 1966), Shri S. C. Sen Gupta (from 1st November, 1966 to 30th June, 1967) and Shri N. K. Bose, the present incumbent (from 1st July, 1967 onwards).

1.5. The first report of the Commissioner covered the calendar year 1951. While presenting the first report, the Commissioner stated:

"It has since been decided by the President that I should submit my report once a year for each calendar year and that the first report should be for the calendar year ending December, 1951."

Scope and Methods of Work.

1.6. In accordance with the provisions of Article 338 of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is required to investigate, *inter alia*, all matters relating to the safeguards provided in the Constitution for other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community.

1.7. The Commission under Article 340 of the Constitution was appointed by the President in 1953 and they had submitted their report in 1955. The decision taken on the recommendations made in that Report was that backward classes, other than the Scheduled Castes and Scheduled Tribes, should not be specified by the President on the basis of "caste" and instead due benefits may be made available to the other backward classes on the basis of their economic status only.

1.8. In a written note furnished to the Committee, the Commissioner has stated that "Since the President *did not specify* any Other Backward Classes, the Commissioner is not required to deal with that category of persons."

1.9. It has been further stated that "In so far as the Anglo-Indian community is concerned, the only safeguard that is now available to them under the Constitution is in respect of their representation in Parliament and State Legislatures concerned. The Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes invariably has a Chapter on the subject. Thus, the position is that since the Commissioner does not deal with Other Backward Classes and the work relating to the Anglo-Indian community is very small, he mainly deals with the Scheduled Castes and Scheduled Tribes only. As such, all the staff in Commissioner's office is employed on the work connected with the investigation of safeguards provided in the Constitution for the Scheduled Castes and Scheduled Tribes only; for Anglo-Indians no separate staff is at all necessary."

1.10. The methodology adopted by the Commissioner for investigating all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution is discernible from the 5th (1955), 6th (1956-57), 7th (1957-58), and 10th (1960-61) Reports of the Commissioner.

1.11. In his 5th and 6th Reports, the Commissioner has stated:

> "The main function of the office is to help me in investigating all matters relating to the safeguards provided for Scheduled Castes, Scheduled Tribes, Other Backward Calsses and Anglo-Indians, under the Constitution. For this purpose, they collect material from the various State Governments, Ministries of the Government of India and non-official agencies. The material thus collected and that contained in my tour reports and the tour reports of the Regional Assistant Commissioners is further studied by

the office for its incorporation in the Annual Report which is submitted to the President as required under Article 338 of the Constitution. The office also receives a large number of complaints from individuals and non-official agencies, relating to the injustice and harassment of various types against Scheduled Castes|Tribes. These complaints are also investigated by the office in order to find out the facts, in correspondence with the State Governments concerned and the Ministries concerned of the Government of India. In addition, the office also examines in detail schemes received for grants-in-aid from the various State Governments and non-official agencies for the development of the Scheduled and the Tribal Areas, the Removal of Untouchability and the Welfare of Scheduled Tribes and Other Backward Classes including ex-criminal tribes or denotified communities. This type of detailed examination of welfare schemes coupled with my personal experience gained through my tours and the reports received from the Regional Assistance Commissioners, help me considerably in the proper evaluation of the welfare activities going on in the country and in advising the Government of India as regards the type of welfare schemes which should be taken up and the extent of financial help which should be given for these activities."

1.12. In his 7th Report, the Commissioner has reiterated the decision that the Commissioner's organisation would undertake the evaluation of the welfare schemes of the State Governments and non-official agencies in a more extensive manner and also that the officers of this organisation would help the State Governments in the formulation of their schemes and in their proper implementation.

1.13. In his 10th Report, the Commissioner has described the types of activities undertaken by him for watching the implementation of (1) the protective measures visualised under Articles 15, 16, 17, 19(5), 23, 29 etc. of the Constitution relating to prohibition of discrimination on ground of religion, race, caste, sex, etc. and (ii) welfare measures visualised in Articles 46, 275 etc. of the Constitution. These are:

(a) Scrutiny of legislations concerning Scheduled Castes, and Scheduled Tribes;

(b) enquiry into complaints and representations;

(c) undertaking of case studies; and

(d) maintenance of extensive contact through freely mixing with the Scheduled Tribes and Scheduled Castes and their representatives as well as the various voluntary and humanitarian organisations.

1.14. The Commissioner has referred to the evaluation done by his organisation of the welfare measures undertaken by various official and non-official agencies through the progress reports received from them. Mention has also been made of "certain other functions associated with his organisation, through practice, during the last ten years." He has stated:

> "These functions may be broadly classified into two categories—(i) Advisory; (ii) liaison. Both in the Centre as well as in the States, myself and my Assistant Commissioners have been helpful in the planning of schemes at different stages. In a way, these functions are only additional dimensions of the function of evaluation. Acting in this advisory capacity in the process of developing the schemes, beginning from the stage of formulation to the stage of execution, it has been possible for my organisation to observe and evaluate the progress of the schemes through their various stages. I feel that this procedure of evaluation has been useful both for my organisation, as an evaluative agency, as well as for the various executive agencies."

1.15. The Commissioner has referred to the institutional frames through which his organisation has been helpful in the matter of planning schemes. While he has been associated with certain Committees and Boards, viz., (i) Central Advisory Boards for Harijan and Tribal Welfare, (ii) Committee on the Welfare of Weaker Sections of the Population, set up under Shri Jai Prakash Narayan, and (iii) Working Groups set up by the Planning Commission, his organisation has remained unrepresented in certain Committees set up by the Ministry of Home Affairs, viz. (a) Central Co-ordinating Committee for ensuring proper working of different welfare schemes for Backward Classes; (b) Central Co-ordination Committee on Tribal Development Blocks; and (c) Special Working Group on Co-operation. He has observed as follows:

> "As, in the discharge of my statutory responsibility, I am to undertake evaluation studies at the all India level in respect of all schemes for the welfare of backward classes, and as co-ordination can effectively be made only on the

basis of the spot studies, which are being made by my organisation, the only logical and desirable course would have been to closely associate my organisation with the working of the committees indicated above."

According to a former Commissioner, the Commissioner for Scheduled Castes and Scheduled Tribes should be invited to attend the Governors' Conference inasmuch as under the Fifth and Sixth Schedules to the Constitution, the Governor of each State having scheduled areas is required to submit a report to the President regarding the administration of the scheduled areas in his State. It has been the experience of the Commissioner that the Governors' Reports to the President are delayed. It is very necessary that the Commissioner should be invited to the Governors' Conference so that he may be in a position to participate in the discussions on the Governors' Reports relating to the administration of the scheduled areas.

Evaluation and Formulation of Schemes.

1.17. The question whether the Commissioner should be associated with the formulation of schemes was considered by the Estimates Committee (Second Lok Sabha) who, in their 48th Report on the Ministry of Home Affairs: Scheduled Castes, Scheduled Tribes and other Backward Classes, observed as under:

"In addition to the statutory functions, the Commissioner has been assigned the following duties:

(i) Evaluation of the progress of the welfare schemes undertaken by the State Governments and non-official agencies with grant-in-aid from the Government of India.

(ii) Serving as a nominee of the Central Government on the Managing Committees of the non-official organisations receiving grants direct from the Centre.

(iii) Examination of the accounts of the non-official organisations receiving grants direct from the Centre.

(iv) Giving advice on any new schemes received from the State Governments. The duties entrusted to the Commissioner under item (i) above are no doubt in consonance with the functions assigned to him under Article 338(2). Regarding items (ii) to (iv) above, however, the Committee are of the view that these duties are not

consistent with the role of the Commissioner as envisaged by the Constitution. According to Article 338 of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is a Special Officer appointed by the President for the purpose of seeing that the directive of the Constitution is properly fulfilled. His position is more or less analogous to that of a judge. The Committee are of the view that it is not appropriate for him to serve as a nominee of the Central Government on the Managing Committees of the non-official organisations or to examine their accounts or to give advice on the new schemes received from the State Governments and thus become more or less a party to them. If he is associated at any stage with the formulation or examination of the schemes, which would make him partly responsible for the results flowing therefrom, then to that extent he ceases to be an independent judge as envisaged under the Constitution."

1.18. The action taken by the Government on this recommendation is contained in 137th Report of the Estimates Committee (1960-61) (Second Lok Sabha). It has been stated therein:

"Article 338 provides that there shall be a Special Officer to be appointed by the President for carrying on the duties specified in the Article. Besides performing his functions under Article 338, this Special Officer has also been charged with various other duties like those mentiontd in the recommendation, so that his experience, knowledge and energies may be fully utilised in the cause of the welfare of the Backward Classes."

1.19. The Sub-Committee of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes took the evidence of the former Commissioners on the matter. One former Commissioner felt that the Commissioner should also look into the grants given to the States for development purposes under Article 275 of the Constitution. According to him, grants should be given by the Government on the basis of evaluated schemes and on the recommendations made by the Commissioner.

1.20. Another former Commissioner supported the recommendation of the Estimates Committee that the Commissioner "should not be associated with the work of formulation of schemes as he would have to criticise them later." In his opinion, "the Commissioner

should be completely detached in his work * * *. If he himself is a member, he cannot really objectively criticize the work later on. His only function is to report to President and through President, to Parliament with regard to the actual work, difficulties of Scheduled Castes, etc. He is not only an executive officer, he is a performance auditor. He is more or less in a position of a judge and, therefore, I do not think, it would be desirable that he should be associated with the formulation of schemes, etc."

1.21. Another former Commissioner, who gave evidence before the Sub-Committee, felt that there should not be any mix-up of the twin functions of formulation of policies and evaluation in so far as the Commissioner was concerned.

1.22. Asked to state how the Commissioner reconciled the function of advising the Central Government as regards the type of welfare schemes which should be taken up with the function of investigation of all matters relating to the safeguards provided to Scheduled Castes and Scheduled Tribes under the Constitution, the Deputy Commissioner for Scheduled Castes and Scheduled Tribes has stated before the Sub-Committee as under:

> "The Home Ministry had no set-up at all to do this work (work of advising) and therefore whenever it came to the Home Ministry, it was passed on to Shri Shrikant who was then the Commissioner. By this process, it became a sort of a convention. Unless the Commissioner examines these welfare schemes, he will not know how they work. He has to do the evaluation work in this respect. So, the Home Ministry thought that since the Commissioner must evaluate for his own purpose, 'let us ask for his opinion for our purpose also.' This is from the time of Shri Shrikant. He had assumed this duty of advising the Government. Otherwise, there is no written order to the effect."

1.23. Elaborating what the Deputy Commissioner has stated before the Committee, the present Commissioner (Shri N. K. Bose) has stated:

> "To a certain extent, this is true. But there is one point, namely, it was only in advisory capacity that the Commissioner gave his advice. The advice had no binding force on the

State Governments or the Central Government. They were not bound to accept his advice. But he gave more or less an objective assessment of whatever he saw."

In his opinion, there is no conflict between giving advice and his own statutory responsibility, in terms of Articles 46 and 338 of the Constitution.

1.24. During the course of evidence, the representative of the Department of Social Welfare has referred to the recommendation made by the Estimates Committee in their 48th Report in regard to the functions assigned to the Commissioner and stated that:

"out of the 4 functions of the Commissioner enumerated therein, only item No. (i) *viz.*, 'evaluation of the progress of the welfare schemes undertaken by the State Governments and non-official agencies with grants-in-aid from the Government of India' seemed to be in consonance with the duties assigned to the Commissioner under Article 338 of the Constitution. That was in 1958-59. Then the position was not changed. The next report came by a Study Team on Social Welfare and Welfare of Backward Classes which is known as the Renuka Ray Committee Report wherein also exactly the same thing has been mentioned."

He has further stated:

"It is not understood as to how the other items came to be allotted to him. * * * * The third document which I would like to bring to the notice of the Committee is the Dhebar Commission's report, particularly recommendation number 5 which is about the withdrawal of the non-statutory functions of the Commissioner, namely, preparation of the budget and examination of accounts of the non-official organisations, advising the Union Government on schemes received from State Governments. These are not essentially a part of his duty and in making this arrangement the Ministry had reduced the status of the Commissioner to that of a Departmental head, thereby prejudicing the discharge of his constitutional responsibilities. These are the opinions expressed over a period of nine years."

1.25. From a note dated 11th February, 1967, recorded in the office of the Commissioner for Scheduled Castes and Scheduled Tribes, the Committee gather that there was appreciation of the fact that the

Commissioner, who had to play an independent role as a critic of Government policies and actions, should not get involved in the implementation of the schemes undertaken to give effect to the safeguards provided in the Constitution for Scheduled Castes and Scheduled Tribes. In the note, it has been stated that "The Study Team on Social Welfare and Welfare of Backward Classes set up by the Committee on Plan Projects of the Planning Commission under Shrimati Renuka Ray, and also the Scheduled Areas and Scheduled Tribes Commission set up by the Ministry of Home Affairs under the Chairmanship of Shri U. N. Dhebar, have also recommended in most unambiguous terms that the Special Officer should not be entrusted with any duties which are not statutory and provided for under Article 338 of the Constitution."

1.26. In the note, it has been further stated:

> "It is apparently for this reason that in the 48th Report of the Estimates Committee (1958-59) of Parliament, it is stated that 'if he (*i.e.*, the Special Officer) is associated at any stage with the formulation or examination of the schemes, which would make him partly responsible for the results flowing therefrom, then to that extent he ceases to be an independent judge as envisaged under the Constitution.'"

1.27. The Committee note that the Special Officer under Article 338 of the Constitution (designated by the Government as the Commissioner for Scheduled Castes and Scheduled Tribes) was appointed for the first time on the 18th November, 1950 and he submitted his first report to the President covering the calendar year 1951. The Committee greatly appreciate the pioneering work done by the first Commissioner for Scheduled Castes and Scheduled Tribes, who built up his organisation from a scratch, laid down new procedures and lines of inquiry and projected the image of an impartial officer charged with the duty of investigating all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution.

1.28. It is evident from the Fifth Report that from 1954 onwards the Commissioner for Scheduled Castes and Scheduled Tribes increasingly associated himself with the examination of schemes for grants-in-aid received from the various State Governments and non-official agencies for the development of the scheduled and tribal areas as, in his opinion, "This type of detailed examination of welfare schemes coupled with my personal experience gained through my

tours and the reports received from the Regional Assistant Commissioners, help me considerably in the proper evaluation of the welfare activities going on in the country and in advising the Government of India as regards the type of welfare schemes which should be taken up and the extent of financial help which should be given for these activities." Further, the Commissioner's organisation helped the State Governments in the formulation of their schemes and in their proper implementation.

1.29. The Estimates Committee of Lok Sabha (1958-59) as also other Governmental Committees doubted the desirability of the Commissioner getting involved in the examination of the schemes received from the State Governments or the examination of the accounts of the non-official organisations receiving grants from the Centre as also serving as a nominee of the Central Government on the Managing Committees of several non-official organisations. While the Estimates Committee recommended that the Commissioner should be fully detached in his work and "should not be associated with the work of formulation of the schemes as he would have to criticise them later", this Committee note with regret that the Government did not accept the recommendation of the Estimates Committee. The result was that the Commissioner for Scheduled Castes and Scheduled Tribes continued to be associated with the examination of the Government schemes—a function which was devolved on him not by any Government resolution or notification but by an informal arrangement made by the Ministry of Home Affairs and which later on turned out to be a sort of convention.

1.30. The Committee further note that in February, 1967, there was an awareness of the fact that the Commissioner, who had to play an independent role as a critic of Government policies and actions, should not get involved in the implementation of the schemes undertaken to give effect to the safeguards provided in the Constitution for Scheduled Castes and Scheduled Tribes.

1.31. The Committee are firmly of the opinion that the Commissioner for Scheduled Castes and Scheduled Tribes should not be called upon by the Government to express any opinion as to the suitability or otherwise of development schemes, because the Commissioner has to function as an effective assessor of the Government policies and actions as enjoined on him under Article 338 of the Constitution. In the same manner, the Committee feel that the Commissioner should not be represented on any of the Governmental Committees set up to approve or chalk out schemes for development purposes. It is, however, open to the Government to consult the Commissioner and seek his advice.

CHAPTER II

REORGANISATION OF THE OFFICE OF THE COMMISSIONER

Position in the Beginning

2.1. As already stated in the preceding chapter, the post of Special Officer was for the first time filled on 18th November, 1950 and designated as Commissioner for Scheduled Castes and Scheduled Tribes. The Commissioner started his office with a skeleton staff consisting of one part-time Assistant Commissioner, one Assistant and one Stenographer. Within a year of the appointment, the office of the Commissioner for Scheduled Castes and Scheduled Tribes was strengthened by adding one Superintendent, one Assistant, two Lower Division Clerks and one Private Secretary. In January, 1952, a full-time Assistant Commissioner was given to the Commissioner.

Position upto 1956

2.2. The main functions of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes were to help the Commissioner for investigating all matters relating to the safeguards available to the Scheduled Castes, Scheduled Tribes, other Backward Classes and Anglo-Indians under the Constitution. For this purpose, they used to collect material from the various State Governments, Central Ministries and non-official agencies working for the welfare of backward classes. The material thus collected and that contained in the Commissioner's tour reports etc. was further studied by the office for its incorporation in the Annual Reports which are submitted to the President as required under Article 338 of the Constitution. The office also used to receive a number of complaints from individuals and non-official agencies relating to the injustices to, and harassment of, the Scheduled Castes and Scheduled Tribes etc. Serious complaints were also investigated by the Commissioner's office in consultation with the concerned Government authorities. Apart from the statutory duties entrusted under the Constitution, the Commissioner was also made responsible for detailed examination of the welfare schemes received from the State Governments and from the non-official agencies getting grants-in-aid from the Government of India. The work load concerning detailed examination of these schemes grew with

launching of planning. To cope with the increasing work on this account, the staff in the Headquarters' Office of the Commissioner for Scheduled Castes and Scheduled Tribes was increased manifold in a few years' time and by the end of the year 1956 the strength was as follows:

Assistant Commissioner	..	1
Tribal Welfare Officer|O.S.D.	..	1
Research Officers	..	2
Section Officers	..	4
Private Secretary	..	1
P.A.	..	1
Assistant|U.D.C.s	..	14
Stenographer	..	1
Investigators	..	6
L.D.C.s	..	21
Cashier-*cum*-Administration Clerk	..	1
Class IV staff	..	17

2.3. During the period 1952—56, seven Regional Offices of Assistant Commissioners were also set up, one each in the following regions:

1. Assam (including NEFA), Manipur and Tripura
2. Bihar and West Bengal
3. Madhya Pradesh, Madhya Bharat, Bhopal, Vindhya Pradesh
4. Ajmer, Rajasthan and Bombay
5. Orissa and Andhra
6. Madras, Mysore, Travancore-Cochin and Hyderabad
7. Punjab, Pepsu, Uttar Pradesh, Delhi and Himachal Pradesh.

2.4. Each Regional Assistant Commissioner was given the following staff:

Superintendent	..	1
U.D.C.s	..	2
L.D.C.s	..	2
Steno-typist	..	1
Peons	..	3
Chowkidar-*cum*-farash	..	1

Position from 1957 till Reorganisation

2.5. It has been stated by the Department of Social Welfare that "the end of the First Five Year Plan and the beginning of the Second Plan necessitated the evaluation of the welfare and developmental schemes undertaken by the Government and non-official agencies in a more extensive manner. In addition, the State Governments were also required to be helped in the formulation of their schemes and in their proper implementation. With a view to meeting this responsibility, the Commissioner was sanctioned additional field staff consisting of 10 Regional Assistant Commissioners (practically one for each State) with the following office staff:

Investigator	..	1
U.D.C.	..	1
L.D.C.	..	1
Steno-typist	..	1
Peon	..	1
Chowkidar-cum-farash	..	1

With a view to enabling the Commissioner's organisation to undertake field work more effectively, it was decided in 1964-65 that a few posts of Research Officers and investigators may be created in the Regional Offices. Four evaluation units each consisting of one Research Officer and one Investigator were set up on experimental basis in the Regional Offices at Ranchi, Hyderabad, Baroda and Jaipur. Two such units started functioning during that very year. The staffing pattern of Regional Offices was hitherto of two types—one with an Investigator and another with a Superintendent. It was decided to have a uniform pattern in all the Regional Offices with one Superintendent and one Investigator.

Subesequently, the posts of Assistant Commissioner were redesigned as Deputy Commissioner to give it a better name and status. Headquarters Office was also provided with an additional Officer designated as Administrative Officer.

A statement showing the staffing pattern of the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes as on 1st January, 1965, is given in Appendix 1."

Creation of the post of Director, Backward Classes Welfare and Reasons for Re-organisation

2.6. It has been stated by the Department of Social Welfare in a note that—

> "In 1957 it was felt that the developmental functions could also be conveniently entrusted to the Commissioner for Scheduled Castes and Scheduled Tribes in addition to his specific duties under the Constitution. It was decided to try out the arrangements. Accordingly, the Commissioner's organisation was strengthened by stages by providing more and more field officers. In 1963, however, Government found it necessary to create a post of Director, Backward Classes Welfare in the Administrative Department, with a view to establish closer contacts with the higher levels of State Governments, watch the progress of the implementation of various schemes in the field and advise on policy matters. No separate field organisation was placed under his as it was envisaged that the services of the Deputy Commissioners would be available to him whenever necessary. But this arrangement came increasingly under strain with greater emphasis being laid on development approach rather than on that of safeguards. The rapid multiplication of schemes and programmes, and the consequent need for closer attention to formulation and implementation made it difficult and inconvenient to continue the informal combination of disparate functions in the Commissioner and his field organisation."

2.7. In the note furnished to the Committee, the Department of Social Welfare has further stated that—

> "The developmental functions require that the Commissioner should function as a part of the Government and advise Government on various schemes and his field organisation should reflect the Government's thinking at all times: on the other hand, the functions under the Constitution imply a special status for the Commissioner as they involve critical assessment of the policies and actions of the Government more or less in the nature of audit. It is obviously difficult for these two functions to be combined in one person or one organisation. It is equally obvious that the administrative department which is directly responsible

for ensuring their implementation through State Governments and otherwise must have at its command an adequate organisation for the purpose. The difficulties were likely to be accentuated in the Fourth Plan period and could stand in the way of satisfactory implementation of plan programmes. So it became necessary and urgent to rationalise and streamline the previous arrangements."

2.8. The Department of Social Welfare has further stated:

"This matter was discussed at several meetings with the Commissioner. It was finally agreed that the combination of Constitutional and developmental functions in the Commissioner should be done away with and that the Commissioner should concentrate on the functions laid down in the Constitution. Briefly speaking, these functions are to investigate and report on the working of the safeguards provided in the Constitution for the Scheduled Castes and Scheduled Tribes. * * *

For this type of work, it does not appear necessary to maintain a field organisation with senior officers located at different places in the country with separate offices of their own. Even when it becomes necessary to hold local inquiries or spot verifications, which in their nature have to be on a selective basis, they could be arranged more effectively through special teams that could move out of Headquarters at short notice or according to a carefully drawn up programme. Besides, the Commissioner could call upon a variety of sources and agencies such as the Programme Evaluation Organisation, Research Institutes, Universities and voluntary agencies for organising special studies on selected problems of importance. Under such an arrangement, the Commissioner would be free from the routine administrative duties of a Head of Department that a large field organisation imposes inevitably. It is hoped that this would enable him to sharpen his main role, which is to assess the efficacy of the policies and the manner in which the executive functions. Taking all these factors into consideration, it was decided in 1967 that the Commissioner should have a strong organisation at the Headquarters with the necessary facilities to make effective assessment of Government policies and programmes, particularly the safeguards. Accordingly, his

office has been augmented by an additional post of Deputy Commissioner for Scheduled Castes and Scheduled Tribes. Four Research Units, each consisting of a Research Officer and other investigating staff, have also been set up there."

2.9. From the documents that have been made available to the Committee, it is observed that the question of streamlining the field organisation of the Deputy Commissioners and of making a rational adjustment of the roles of the Commissioner for Scheduled Castes and Scheduled Tribes on the one hand and the Director, Backward Classes Welfare on the other, was raised with the then Commissioner for Scheduled Castes and Scheduled Tribes by the Joint Secretary in the Department of Social Welfare by his D.O. No. 3|3|67-SCTI., dated the 9th February, 1967 (Appendix II).

2.10. In this D.O. letter, the Department of Social Welfare pointed out the difficulty of combining under the Commissioner the two functions of advising the Government on various schemes as well as his constitutional functions of criticising the policies and actions of the Government. While expressing the anxiety that the Commissioner's constitutional position should not be compromised, the Department of Social Welfare stressed their responsibility to Parliament for the welfare of the Backward Classes and the necessity for assuming direct responsibility for formulating and evaluating the welfare schemes for ensuring their better implementation.

2.11. The proposal that was mooted out in that D.O. letter was briefly this:

"The task of evaluation of the welfare schemes is proposed to be entrusted to the Director of Backward Classes Welfare, who will be re-designated as Director General, Backward Classes Welfare and also function as a Joint Secretary in the Department. Besides some staff at Headquarters, Director General will have a field organisation consisting of five Directors, one for each of the five zones created under the States Reorganisation Act. Each Director will be assisted by one or more Deputy Directors according to the load of work as represented by the special programmes, particularly the Centrally sponsored ones."

A chart giving details of the proposed organisation for the Director General, as prepared by the Department of Social Welfare and communicated to the Commissioner for Scheduled Castes and Scheduled Tribes on 9th February, 1967, is given in Appendix III.

2.12. On the 13th February, 1967, the then Commissioner for Scheduled Castes and Scheduled Tribes (Shri S. C. Sen Gupta) prepared a note on the field organisation functioning under the Commissioner and forwarded to the then Secretary to the Government of India, Department of Social Welfare for his urgent consideration. The text of the note dated 11th February, 1967, is given in Appendix IV. In that note, the Commissioner, *inter alia*, stated that it would be too much to expect the Commissioner to discharge his duties effectively without adequate field staff in each State. The Deputy Commissioners for Scheduled Castes and Scheduled Tribes posted in the various regions worked as the eyes and ears of the Commissioner. Unless an officer of a sufficiently high status is posted in each State to work directly under the Commissioner, it would never be possible for him to obtain all possible information required by him from the various authorities in the States and to know all the difficulties and requirements of the people whose interests he was required to watch. In support the Commissioner also quoted the opinion of the Ministry of Law given as far back as 1951 that the duty cast upon the Special Officer under clause (2) of Article 338 cannot be passed on to any authority or person not subordinate and answerable to the Special Officer. The text of the advice given by the Ministry of Law is given in the note referred to above. The Commissioner's note concluded with the following observations:

> "If the ever-expanding programmes for backward classes welfare with vast consequent financial commitments and the working out of the scheme of 'area approach', make it imperative for the Department of Social Welfare to have its own field organisation should be created without finding savings which may result, as I have already stated, in crippling the organisation of the Commissioner."

2.13. On the 13th February, 1967, the Commissioner met the Secretary, Department of Social Welfare, and discussed with him the proposals regarding the winding up of the field organisation of the Commissioner. The minutes of the meeting with the Secretary, Department of Social Welfare, as recorded by the Commissioner on the 14th February, 1967, may be seen at Appendix V.

2.14. Subsequently, on the 15th February, 1967, the Commissioner further recorded a note (Appendix VI) wherein he again pleaded that "the Commissioner should not be completely deprived of the Regional Organisation. There should be a nucleus Regional Organisation so that it can be expanded later on, when funds' position would be better. In the informal discussion, Secretary also agreed

that the ideal thing would be for the Department of Social Welfare to have its own adequate field organisation and the Commissioner for Scheduled Castes and Scheduled Tribes to have his own adequate field organisation."

2.15. Subsequently, on the 13th April, 1967, a meeting was held in the room of the then Minister of Planning and Social Welfare where discussions on the reorganisation proposals took place. The Commissioner for Scheduled Castes and Scheduled Tribes as well as the Secretary, Department of Social Welfare, were present. A summary record of the discussions may be seen at Appendix VII. From the summary record of the discussions held with the Minister, it is observed that "The Minister indicated firmly that the solution to the questions under discussion lay clearly in the direction of reducing the Commissioner's field organisation to the minimum that could be accommodated within available funds. * * * * The Minister reassured the Commissioner that he would be enabled to make full use of the new organisation that is being set up and the Department will give him all the necessary cooperation and help. The Minister further advised that the Commissioner's value would be enhanced if he could furnish, apart from periodic reports, some *ad-hoc* reports on important events affecting the Scheduled Castes and Scheduled Tribes from time to time."

2.16. Although the orders for the reorganisation of the Commissioner's and Director General's organisations were issued in June, 1967 (Appendices VIII and IX), it took some time in winding up the Commissioner's regional offices, movement of staff, acquiring accommodation, recruitment against new posts, and their regrouping into Director General's Zonal Offices. Actually the Zonal Offices started functioning effectively only from about the middle of 1968.

2.17. The organisational chart of the office of the Director General, Backward Classes Welfare after the reorganisation is given in Appendix X.

2.18. The Committee have heard the views of the previous Commissioners on the question of the reorganisation of the Commissioner's office. According to one former Commissioner, "the office of the Director General is related very little to the Commissioner and it is to fulfil one function according to the wishes of the States and the Government of India. It is nothing to do with the safeguards under the Constitution. The office of the Commissioner is paralysed."

2.19. Another former Commissioner has stated:

> "There are five Zonal Officers in the States. They have a number of officers there. Whether this organisation

should be elaborated or curtailed, it is not for me to make any suggestion. But, I am very definitely of the opinion that the Commissioner should have his own organisation in each State to keep himself posted about the developments that take place apart from any other statical information."

2.20. Another former Commissioner, during whose tenure the decision to reorganise the Commissioner's organisation was taken, has stated before the Committee:

"This new set-up actually came into force after I left.* I had a series of discussions with the then Secretary and the Minister. My first discussion was with the Secretary. I had the impression that he was of the opinion that the ideal arrangement would be for the Director General to have his own field staff. But later when I met the Minister, I found that they had already decided that the staff of the Commissioner should be taken away and reorganised."

2.21. On the question of reorganisation of the office of the Commissioner, the present Commissioner has stated before the Committee that "If in our office, even at the Headquarters, we had a number of specialists who are specialised in law, land problems, housing, etc., then they could better tackle questions related to these subjects. If we have sufficient powers and also enlarged Headquarters with these Wings of Specialists, then it would be possible even under the present system of economy to bring about a better report than we are now doing because we need not depend upon other people. We can do it ourselves."

2.22. Asked to state whether the Commissioner considered it desirable that he should have regional staff, he had stated that if such staff was provided, it was welcome. When asked whether he was in favour of the continuance of two separate organisations—one under the Commissioner and another under the Director General, Backward Classes Welfare—he replied in the affirmative.

2.23. Questioned during the evidence whether under the new set-up, the Commissioner would have any machinery to find out

*At the stage of factual verification, the Department of Social Welfare have stated:

"The reorganisation of the Offices of the Commissioner for Scheduled Castes and Scheduled Tribes and the Director Genral of Backward Classes Welfare took effect from the 15th June, 1967. Shri S. C. Sen Gupta, the then Commissioner for Scheduled Castes and Scheduled Tribes handed over charge of his post on the 30th June, 1967."

whether the schemes sponsored by the State Governments had been executed to the satisfaction and benefit of the Scheduled Castes and Scheduled Tribes unless the Zonal Directors got the information and furnished it to him, the representative of the Department of Social Welfare has stated before the Committee that "the Commissioner has got three Research Officers in his office. These officers are meant to find out and collect all the information that is required for the Commissioner's Reports." He further stated that—

> "Whatever the Commissioner wants, it is being done by various field officers of the Department. As far as I am aware, the Commissioner had no complaint that it was not being attended to. Nor is there any complaint against the field organisation."

2.24. The Committee on Untouchability, Economic and Educational Development of the Scheduled Castes (1969) (Elayaperumal Committee Report) has in its Report observed:

> "The Constitutional responsibility of the Commissioner has made it necessary that he should have a field organisation spread all over the country so that there may be a machinery for receipt of complaints and grievances and looking into them and for making on-the-spot enquiries where necessary, as also for maintaining contacts with the Scheduled Castes and Tribes with a view to explaining to them the measures introduced for their welfare and also for finding out from them how far the measures have fulfilled their expectations."

That Committee recommended that—

> "The Commissioner's organisation must not only be given a really independent status with clearly defined and codified powers, responsibilities and jurisdiction of actions, but his field organisation as existing before the 1967 reorganisation must also be immediately restored, further strengthened and systematised."

2.25. Extracts of the recommendations of the Elayaperumal Com-Committee Report on the need for reorganisation of the present set up of the office of the Commissioner for Scheduled Castes and Scheduled Tribes are given in Appendix XI.

2.26. The Committee fully agree with the Report of the Elayaperumal Committee that India being a vast country, with the population of the Scheduled Castes and Scheduled Tribes spread over throughout the country, even in areas not easily accessible, and the problems

of these communities created by social injustice, isolation and exploitation numerous and complicated, it is very essential that the Commissioner for Scheduled Castes and Scheduled Tribes should have an adequate field organisation to enable him to discharge his constitutional obligations efficiently and satisfactorily.

2.27. The Committee are surprised that the Department of Social Welfare had unilaterally decided to upgrade the office of the Director, Backward Classes Welfare to that of Director General, Backward Classes Welfare, and to create a field organisation for the latter's office at the cost of the Commissioner's field organisation. The Department of Social Welfare, instead of approaching the Ministry of Finance and, if necessary, the Cabinet, for necessary financial sanction, devised the simple and easy method of abolishing the field organisation of the Commissioner and re-appropriating the funds thus saved for creating the organisation of the Director General, Backward Classes Welfare.* Although the officials of the Department of Social Welfare agreed that "the ideal arrangement would be for the Commissioner and the Director General to have separate field organisations," the repeated pleading of the then Commissioner with the Department and the Minister had no effect and the new arrangement proposed by the Department was put into effect despite the Commissioner not finding the reorganised pattern acceptable. The Committee further note that three alternatives were placed before the Commissioner, viz. (i) an Organisation with five Regional Offices involving an additional expenditure of Rs. 4,13,700; (ii) an organisation with three Regional Offices involving an additional expenditure of Rs. 1,87,700; and (iii) an Organisation at the Centre only with no field organisation involving a saving of Rs. 52,600. The Commissioner agreed to the first alternative but the Department ultimately chose to abolish completely the field organisation of the Commissioner.

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*At the stage of factual verification, the Department of Social Welfare have stated:

"The reorganisation of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes was done in consultation with the then Commissioner for Scheduled Castes and Scheduled Tribes and the Ministry of Finance extending over a period of six months. In the reorganisation of this type, the Department was acting within its own powers and normally such matters are not sent to Cabinet. All previous changes in the Commissioner's Office were similarly effected by the Ministry of Home Affairs without reference to the Cabinet, and in consultation with the Finance Ministry. It may also be mentioned that the post of Director Backward Classes Welfare was not upgraded but only the designation was changed."

2.28. The Committee regret to note that on the plea of reorganisation, the Commissioner's field organisation has been disbanded despite his strong opposition to the proposal. It appears to the Committee that the Department of Social Welfare had already decided to abolish the field organisation of the Commissioner and later on presented to the Commissioner a *fait accompli*. In the opinion of the Committee, this is hardly the way in which an officer of the status of the Commissioner appointed by the President under Article 338 of the Constitution should have been treated by the Government.

2.29. The Committee are firmly of the view that by abolishing the field organisation of the Commissioner, the Government have not only crippled the organisation of the Commissioner and deprived him of his "eyes and ears" in the country but have also denigrated his office, his status, his authority and his capacity to discharge his constitutional obligations.

2.30. The Committee, therefore, strongly recommend that the Commissioner should be provided with a field organisation of his own. They also suggest that the Government should take urgent action to enable the Commissioner to reconstruct and set up the field organisation at all necessary levels. The strength of the organisation as also the placement of officers and staff should be decided by the Commissioner himself.

CHAPTER III

OFFICE OF THE DIRECTOR GENERAL, BACKWARD CLASSES WELFARE

(i) *Functions of Director General, Backward Classes Welfare.*

3.1. Simultaneous with the (1967) reorganisation of the office of the Commissioner for Scheduled Castes and Scheduled Tribes dealt with in the foregoing Chapter, the set-up of the office of the Director General, Backward Classes Welfare was also reorganised. In a written note, the Department of Social Welfare have stated that "for the performance of the development functions it was decided to strengthen the office of the Director, Backward Classes Welfare, re-designated as Director General, Backward Classes Welfare, placing under him five Zonal Directors and 9 Deputy Directors."

3.2. The Committee wanted to know the functions which have been allotted to the Director General's organisation, including the Zonal Directors. The Department of Social Welfare, in a written note, have stated that the functions of the Director General's organisation are contained in the Government of India letter No. 4|6|67-STC(I), dated the 3rd June, 1967. They are as under:

> "The Director General's organisation will be responsible for (a) formulation of backward classes programmes, (b) maintenance of liaison with the States, (c) watching the progress of implementation, chasing of schemes in the field, (d) removal of botlenecks, (e) a critical assessment at periodic intervals with a view to effect improvements, and (f) any other function the Government may entrust in regard to Backward Classes Welfare."

3.3. In the same communication, it has been stated that:

> "The Director General will ensure that his organisation extends all assistance and cooperation to the Commissioner for Scheduled Castes and Scheduled Tribes and in particular on the following matters—
>
> (i) to supply whatever data or information the Commissioner may call for, and undertake enquiries on specific issues referred to them by the Commissioner;

(ii) the Zonal Directors or Deputy Directors will accompany the Commissioner on tour, so that the Commissioner could make personal local studies of conditions purposefully and without loss of time; and

(iii) the Commissioner will be requested to give his annual remarks in writing on the work of the Zonal Directors and the Deputy Directors for incorporation in the CR's."

3.4. Commenting on the position of field organisation of the Director General, Backward Classes Welfare vis-a-vis the constitutional functions of the Commissioner, a former Commissioner for Scheduled Castes and Scheduled Tribes has stated:

"My candid opinion is that the Director General even if he may have a big field organisation cannot be effective since the execution of all these (schemes) is in the hands of the State Governments and all that he can do is to see the higher officer and say 'accept here or there'. At the lower level they cannot even indulge in criticism. The Commissioner's organisation is empowered by this Article (Art. 338) to investigate and criticise. Therefore, I feel that the field organisation of a Central Social Welfare Department cannot be very effective."

(ii) *Functions of Zonal Directors*

3.5. In the re-organisation order of the Government of India dated June 3, 1967 already referred to earlier (Appendix IX), it has been stated:

"For the performance of the developmental functions, it has been decided to strengthen the present office of Director, Backward Classes Welfare by re-designating as Director General, Backward Classes Welfare and placing under him a network of 5 Zonal Directors and 9 Deputy Directors. Their locations and jurisdictions will be separately intimated.***"

In another communication dated 28th June, 1968, Government have defined the jurisdiction of the five Zonal Directors under the Director General, Backward Classes Welfare, effective from the 1st July, 1968 (Appendix XII).

3.6. It has further been stated that the Zonal Directors are appointed by deputation of all India Class I Officers of the States|Central Government who are of sufficient seniority and hold the post of Deputy Secretary. One vacancy out of every 5 is filled by promotion from Deputy Directors. The scale of pay of the Zonal Directors is Rs. 1100—30—60—1300—1800. The Zonal Director is expected to

have sufficient administrative and field experience, knowledge and sympathy with the problems of Scheduled Castes and Scheduled Tribes, and knowledge of one of the local languages of the Zone to which he is posted.

3.7. During their study tours the Committee have occasion to observe the functioning of the Zonal Directors from closer quarters and the impressions they have been left with can be summed up in the following terms:

(i) The Zonal Directors being subordinate officers of the Central Department of Social Welfare, the State Governments prefer to deal directly with the Department of Social Welfare.

(ii) The State Governments sometimes accept the suggestions of Zonal Directors and sometimes they do not accept their suggestions.

(iii) The Zonal Directors have no executive functions to perform. Their main work is to get monthly reports of allotments and expenditure.

(iv) Grants-in-aid are received by the State Governments direct from the Department of Social Welfare at the Centre and the directives to State Governments are also issued directly by the Centre.

(v) The Zonal Directors have dual functions to perform, viz. collection of information|material for the Director General and for the Commissioner. Assisting the Commissioner and attending to his requests and enquiries is one of the main functions of the Zonal Directors.

*(vi) No instructions have been issued to the Zonal Directors laying down their duties specifically.

(vii) So far the Zonal Directors have not been made responsible for execution of any schemes, except that the Zonal Director at Chandigarh has recently been entrusted with the direct implementation of the scheme of post-Matric

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*At the stage of factual verification, the Department of Social Welfare have stated:

"Detailed instructions were issued by the Directorate of Backward Classes Welfare to the Zonal Directors indicating their functions, *vide* Director General Backward Classes Welfare D.O. No. 1|38|69-RU dated 2-4-1969 (reproduced in Appendix XV). At various meetings held with the Zonal Directors these functions were discussed and it is proposed to issue exhaustive instructions to Zonal Directors in due course. Instructions have been issued to the Zonal Directors to carry out surveys and evaluation studies from time to time."

Scholarships as regards the students of other States studying at Chandigarh. This is being tried on a pilot basis and, if successful, the project will be taken up in other big cities and the concerned Zonal Directors will be made incharge of its execution.

(viii) Each Zonal Director has a very wide jurisdiction. For example, the Zonal Director for Eastern Zone has to cover Bihar, West Bengal, Orissa, Assam, Nagaland and the Union Territories of Manipur, Tripura and Andamans and Nicobars Islands. The Zonal Director for Central Zone posted at Bhopal has to look after the problems of two States, viz., Madhya Pradesh and Uttar Pradesh. It is almost impossible for one Zonal Director and two Deputy Directors under him to adequately cover such a wide field.

(ix) The Confidential Reports of Zonal Directors have to be countersigned by both the Director General, Backward Classes Welfare and the Commissioner for Scheduled Castes and Scheduled Tribes. This means that the Zonal Directors are functionally responsible to two higher officers.

3.8. On being asked to indicate his views about the functioning of the Zonal Directors, the present Commissioner has informed the Committee during evidence:

"I have found that all these regional officers belonging to the Backward Classes Welfare Department are co-operative. They have never refused co-operation. Sometimes they have not understood exactly what we want. But that was my fault. * * * Their complaint or reasons why they could not send me some of their reports is this that they do not get enough material."

3.9. Expressing his views on the reorganisation of the Director General, Backward Classes Welfare, the representative of the Department of Social Welfare has stated in evidence:

"W in the Ministry feel that after streamlining he organisation, the work has become more effective. As far as we know, the Commissioner also is quite satisfied with the arrangement.

I am afraid that the basic assumption that the Commissioner and the Director General may be working at cross purposes is not really justified. After all, the Director General is an officer whose primary responsibility is to give information, whatever is asked to him."

3.10. Asked to state whether the Zonal Directors are receiving adequate co-operation from the State Governments, the representative of the Department has informed the Committee:

"Whatever information the Commissioner or the Government wants, it is their function to see that the State is prepared to supply us as soon as possible. Liaison job is a very delicate job. So far as the State Government is concerned, it may happen that the Zonal Directors some times become *persona non-grata*. This has almost happened in one State. I would not like to name it here. They took up the position that the State Government will correspond only with the Government of India direct.

* * *

There have been difficulties of this nature. To overcome them, at one time, we thought to making our Zonal Directors as ex-officio Deputy Secretaries. The whole organisation is in the stage of evolution.

* * *

I have been thinking for some time now whether they could not be made the executing agencies, at least of certain pilot projects."

3.11. Asked to state whether he is experiencing any difficulties in collecting information from the State Governments, the Zonal Director for the Western Zone has stated before the Committee during evidence as under:

"Commissioners want various types of information. We get 40 circulars on various topics. These relate to services,

land for cultivation, etc. The information is not readily available in the particular department. Take land allotment and the question of what land is available for distribution. That information has to be called far from Revenue Department. They have to get it from the Collector. The Collector has to get it from the Sub-Divisional Officer. Sub-Divisional Officer has to get it from Tehsildar. Tehsildar has to get it from Patwari etc. It takes a lot of time in collecting this information. Similarly in the case of services, there are a number of Departments. I am talking of Maharashtra. There are 45 Departments. Many of them are not in a position to supply the information directly to the General Administrative Department or the Director of Social Welffare. The result is that we do not get complete information for incorporation in the Commissioner's Report. We continue to pursue the State Governments from time to time and also help them to collect the information. This is my experience. We go to the Department of Social Welfare, Department of Revenue and Department of Agriculture—wherever it is possible for us to collect as much information as possible and pass it on to the Commissioner with our comments based on our experience. This is the position regarding collection of materials."

He has further stated:

"I am getting full co-operation from the State Governments in my Zone. * * * But personal equation is always there in every matter."

3.12. The Committee have also gathered that whenever cases of harassment of Scheduled Castes and Scheduled Tribes come to the notice of Zonal Directors, they write to the Social Welfare Departments of the State Governments for supply of facts but the response is generally poor. Although it is the function of the Zonal Director to go personally and enquire about the facts, it is not possible for him to do so, as the matter is generally of law and order falling within the exclusive jurisdiction of the State.

3.13. The Committee have also been given to understand that the Zonal Directors have no power to ensure that the money granted by the Central Government to the State Governments is properly utilised. The Zonal Directors can only bring to the notice of the Central Government the cases where money has not been properly utilised or well laid out according to the schemes approved by the

Central Government. He has no executive machinery at his disposal to get the schemes either expedited or completed in time. He depends by and large on the co-operation of the Stat Govrnments. The State Governments also by and large extend the necessary co-operation and furnish the information required by him.

3.14. A suggestion has been made to the Committee that it is necessary to equip the Zonal Directors with adequate powers. He should have a local office and be provided with requisite staff. In view of the fact that the Zonal Director has to undertake extensive tours covering several districts in the State, it is necessary to provide him with a vehicle.

3.15. A suggestion has also been made to the Committee that the Zonal Directors should submit periodic evaluation reports and that they should conduct special studies on the problems relating to Scheduled Castes and Scheduled Tribes in their areas. It has been brought to the notice of the Committee that several studies have been undertaken by the Research Officers attached to the Zonal Directors. A few examples of such studies made are given below:

(i) A Socio-economic study of occupational pattern of family generations;

(ii) Pre-Matric Scholarships;

(iii) Post-Matric Scholarship Schemes in some of the States| Union Territories.

(iv) Socio-economic survey of Gujjars and Bakarwals.

3.16. Monthly Reports are also furnished by the Zonal Directors to the Director General, Backward Classes Welfare on the basis of tours undertaken. A sample monthly report for the month of January, 1969 received from the Zonal Director, Backward Classes Welfare, Western Zone is given in Appendix XIII.

3.17. The Committee wanted to know if the Recruitment Rules pertaining to the Zonal Directors have been finalised in consultation with the Ministry of Home Affairs. They have been informed by the representative of the Department of Social Welfare during evidence that the recruitment rules are still under consideration of the Ministry of Home Affairs.

3.18. The Committee are constrained to observe that the functions of the Zonal Directors under the Director General, Backward Classes Welfare have not been precisely defined. The functions as contained in the Government of India letter dated the 3rd June, 1967 mention only the broad functions that have to be performed by the Zonal Directors. Nowhere has it been laid down as to the nature of liai-

son work that a Zonal Director is supposed to carry on, the inspections that he has to make and the periodicity thereof, the studies that he has to undertake, the meetings that he has to attend, the grievances that he is supposed to investigate and redress, the guidance that he has to render to the State Governments in the removal of bottlenecks in the implementation of the schemes, the nature of assistance that he has to render to the Commissioner for Scheduled Castes and Scheduled Tribes and the public relations work that he has to conduct. The Committee are also unhappy that the recruitment rules pertaining to the Zonal Directors have not yet been finalised.

3.19. The Committee cannot too strongly emphasise the need for a clear enunciation of the functions of the Zonal Directors and embodying them in a manual of business so that each Zonal Director knows the job that he has to perform as a representative of the Central Social Welfare Department in the State to which he is posted.* They also hope that Government would take early steps to finalise the conditions of service and recruitment of the Zonal Directors.

3.20. The Comittee note that the Zonal Directors experience considerable difficulties in collecting information either for the Commissioner for Scheduled Castes and Scheduled Tribes or for the Director General from the avrious Departments of the State Governments and whatever information they get is more or less on the basis of personal contact. The Committee consider it imperative that the functions and powers of the Zonal Directors should be made known to the State Government and a working arrangement should be made in co-operation with the State Departments of Social Welfare so that there is a steady flow of information to the Zonal Directors in regard to the progress of schemes, either in the State or Central sectors, for the Welfare of Scheduled Castes and Scheduled Tribes.†

3.21. In the previous Chapter the Committee have recommended the restoration of the field organisation of the Commissioner for Scheduled Castes and Scheduled Tribes. After the Commissioner has got the field organisation, it would be necessary to redefine the functions of the Zonal Directors and their relationship with the Commissioner's organisation.

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*At the stage of factual verification, the Department of Social Welfare have invited the attention to the instructions contained in their letter dated 2nd April, 1969. (reproduced in Appendix XV).

†At the stage of factual verification, the Department of Social Welfare have forwarded a copy of letter No. 1|3|67-SCT-IV, dated 8th August, 1967, issued to the State Governments|Union Territory Administrations (reproduced in Appendix XVI).

3.22. The Committee note that the Commissioner for Scheduled Castes and Scheduled Tribes was receiving the fullest co-operation from the Zonal Directors, but henceforth a new relationship has to be evolved between the office of the Commissioner for Scheduled Castes and Scheduled Tribes and the Office of the Director-General, Backward Classes Welfare, so that both can play their allotted parts for the amelioration of the conditions of the Scheduled Castes and Scheduled Tribes, the former acting as a performance auditor and the latter as an Executive charged with the implementation of schemes.

3.23. During the past one year several Study Groups of the Committee have undertaken visits to different States, namely, Uttar Pradesh, Punjab, Madhya Pradesh, Rajasthan, Maharashtra, Mysore, Tamil Nadu, Kerala, and Bihar and the Union Territories of Goa, Himachal Pradesh and Chandigarh, to study on the spot the social and economic conditions of Scheduled Castes and Scheduled Tribes. They have observed from close quarters the pitiable living conditions of Scheduled Castes and Scheduled Tribes at various places. They have had discussions with non-officials and officials together first hand information about the problems confronting the Administration. They have noted that untouchability is still being practised in some form or the other especially in rural areas and the number of offenders brought to book under the Untouchability (Offences) Act, 1955 is deplorably low. They have observed that there is considerable wastage in the primary middle and secondary education and there is growing unemployment among educated Scheduled Castes and Scheduled Tribes. There is a universal clamour for allotment of land and a demand for protection against eviction and land alienation. Scheduled Castes and Scheduled Tribes do not get due share in the co-operative sector and even those societies, which have been set up for their benefit are not functioning properly due to lack of funds and managerial skill. The occupancy rate in hostels set up for tribal boys and girls is generally on the low side and in some areas the number of hostels set up falls far short of the demand. The Study Groups have received numerous complaints about the inadequacy of the quantum of scholarships and stipends given to boarders and students both at the pre-Matric and post-Matric stages. The Scheduled Tribes in Bastar District of Madhya Pradesh are still suffering from several contagious forms of diseases and menace of guineaworm has not yet been eradicated in Rajasthan. There is a pressing need for provision of drinking water facilities in rural areas etc. Although reservation in services have been made for both Scheduled Castes and Scheduled Tribes, there is still

a large gap to be filled up. The Committee are constrained to observe that the orders regarding reservation in services in the States visited by the Study Groups are honoured more in the breach than in the observance.

3.24. The Study Groups of the Committee have noted that in some States Evaluation Committees have been set up to assess the impact of welfare schemes. This is a step in the right direction. In view of the fact narrated in para 3.23, the Committee feel convinced that there is a pressing need for setting up more such Evaluation Committees to study the different problems confronting the Scheduled Castes and Scheduled Tribes, both at the Central and State levels. The Committee also feel that voluntary organisations receiving grants from the Centre and the States can play a significant role in this direction. The Committee note that some of the Zonal Directors have conducted some socio-economic surveys and also sent monthly reports to the Director General for Backward Classes Welfare on the basis of tours undertaken by them in the districts in regard to various matters, namely, post-Matric scholarship, practice of untouchability, allotment of land, welfare schemes. hostels, problems of sweepers and scavangers, etc. The Committee are, however, firmly of the opinion that schemes for socio-economic surveys and evaluation studies to be undertaken by the Zonal Directors during the course of a year should be planned Centrally and drawn up well in advance in consultation with the State Governments. Definite time targets for their completion should also be laid down. The surveys conducted by the Zonal Directors should be published by the Department of Social Welfare after proper scrutiny and made available to the State Governments, Central Ministries and Departments concerned, as also to Members of Parliament and State Legislatures. This should enable the public to gauge the extent of development that has taken place in a State in regard to the welfare of Scheduled Castes and Scheduled Tribes.

3.25. The Committee further suggest that the Government may consider whether the field organisation of the Director General as also the set up at his headquarters should not be strengthened, keeping in view the extensive nature of the areas to be covered and the problems to be tackled both at State and Central levels.

3.26. The Committee also feel that in view of the fact that the bulk of the work of the Director General, Backward Classes Welfare, pertains to the welfare of Scheduled Castes and Scheduled Tribes, he should be designated as the Director General for Scheduled Castes and Scheduled Tribes.

3.27. The Committee would like to emphasise that the problems of the Scheduled Castes and Scheduled Tribes are vastly complex and colossal and a missionary zeal on the part of Central and State Officers is called for if those have to be tackled firmly and effectively. The Committee hope that the Centre and States would work in perfect co-ordination to promote the educational and economic interests of the Scheduled Castes and Scheduled Tribes and protect them from social injustice and all forms of exploitation.

CHAPTER IV

ORGANISATIONAL PATTERN IN STATES

(i) *Need for Programme Evaluation Cells*

4.1. The Commissioner for Scheduled Castes and Scheduled Tribes in his Tenth Report (1960-61) has stated:

> "The Estimates Committee of the Lok Sabha in their 48th Report have suggested that the State Governments may be advised to set up cells for evaluating the progress achieved in the working of the welfare schemes for Scheduled Tribes, Scheduled Castes etc. and to prepare and submit progress reports in time. The Central Government have also been advised to set up such cells in the Union Territories. This question was examined by the Central Working Group set up for the preparation of the Third Five Year Plan for Backward Classes, which decided to consider this proposal under the Centrally sponsored programme. Accordingly, suitable provision has been made for this purpose in the Third Plan of the various State Governments and Union Territory Administrations."

4.2. In the succeeding Report (Eleventh 1961-62), the Commissioner has reported:

> "1.7. Most of the State Governments have decided to set up such cells, but no appreciable work has been done in that respect during 1961-62, excepting the appointment of some staff for the purpose, here and there. The State Government of Bihar had earlier reported that they did not feel the necessity of setting up a separate evaluation cell, but they have now reported that such a cell is functioning in that State, on the lines suggested in the last Report of the Commissioner that the evaluation of the progress of welfare schemes is done by an Under Secretary, who works part-time, for the purpose.*****
>
> 1.8. As there is no uniformity with regard to the task entrusted to and composition and pattern of these cells in different

States, some suggestions were made in the last Report for their improvement. Most of the States have agreed to those suggestions. The cells, when set up properly, would play an important part in the implementation of the welfare programmes, through proper planning, coordination and evaluation of the schemes. They will also be able to keep the State Governments well-posted with the progress made."

4.3. At present the States have by and large a separate Department of Social Welfare. In U.P. there is a Harijan and Social Welfare Department and under this Department, there is a Directorate of Harijan and Social Welfare. In Madhya Pradesh, there is a Tribal and Harijan Welfare Department headed by the Secretary. In Haryana, there is a Department of Scheduled Castes and Backward Classes headed by the Secretary, Social Welfare.

4.4. It has been represented to the Study Group of the Committee visiting Haryana in June, 1969, that the Department of the Welfare of Scheduled Castes and Backward Classes "is inadequately staffed as in the State there is no other Department with only one Head Assistant and two Assistants to carry on work. There is no gazetted officer in the Department since the reorganisation of the State except the Director and that too since last two years is holding the additional charge of the Department. Hence, this inadequate staff cannot handle all the work *i.e.* collection of statistics, implementation of schemes, giving loans and grants-in-aid and submitting reports on various subjects to the Government of India which are asked from time to time."

4.5. In Punjab, the Department of Welfare of Scheduled Castes and Backward Clasess, which took shape on the integration of Punjab and Pepsu in 1956, is headed by the Director who belongs to the Punjab Civil Service. He is assisted by the Deputy Director and a Lady Welfare Officer at the State Headquarters. The field is covered by District and Tehsil Welfare Officers in each District and Tehsil.

4.6. The Committee wanted to know from the present Commissioner for Scheduled Castes and Scheduled Tribes whether it was desirable to have a uniform pattern of administration in the States for the welfare of Scheduled Castes and Scheduled Tribes. The Commissioner, in his evidence, has stated: "That cannot be, because different States are at different levels of development. There cannot be a uniform pattern for all the States. They can be adapted subject to the local conditions."

4.7. A former Commissioner has stated before the Committee that "the Government machinery works a little slowly, particularly in the collection of statistics in different areas. Certain amounts have been distributed in the Scheduled Tribes areas. It takes a little time to collect such information. In one of the reports, I have suggested that each State should have a Statistical Cell for the purpose and whatever statistics are required for the preparation of Annual Reports should be made available in time."

4.8. It has been further represented to the Committee that the growth of the Department of Social Welfare in various States has comparatively been of recent origin and the priority which the Department commands is rather low. The Welfare Department may not be one commanding relative importance when compared to such other departments as Education, Transport, Industries, in alocations, or for that matter with General Administration, Home, or the like.

4.9. It has also been represented that partly "because of the low priority the Department has, there have been frequent changes both at the Secretariat and the Directorate level. The result is apparently disturbing. There is no consistent thinking which is very vital for this type of welfare work. This is apparent from the fact that the state of correspondence or various communications is deplorably unsatisfactory, and the submission of periodical reports showing expenditure is something to which necessary attention is not paid at all. Even factual reoprts for Commissioner's Report or allied matters are not submitted by the various States despite a number of reminders. Assistance or advice by Central/Zonal Offices is considered as interference and is hardly welcome. The impression imparted is that Welfare Department in a State is an irresponsible spending Department."

4.10. While the Committee agree that there cannot be a uniform pattern of organisation in all the States for the administration of schemes relating to the welfare of Scheduled Castes and Scheduled Tribes, they feel convinced that there should be a separate department, directorate or an office dealing with the welfare activities of Scheduled Castes and Scheduled Tribes. This department, directorate or office should not be saddled with other social welfare activities, namely, welfare of other backward classes, education, training and rehabilitation of the handicapped, programmes for destitute children and women, social defence, prohibition, etc. Within this Department, directorate or office, there should be a programme evaluation and coordination cell charged with the function of collecting statistics relating to the progress of welfare schemes for Scheduled Castes

and Scheduled Tribes within the State and also for feeding the Commissioner for Scheduled Castes and Scheduled Tribes as also Directorate General, Backward Classes Welfare or his representative with whatever statistical information they want for their Reports.

4.11. The Committee also feel that the Director/Officer-in-charge of the Directorate/office should be one who has distinct aptitude for social work and sympathy for weaker sections of the community in general and Scheduled Castes and Scheduled Tribes in particular and should be of fairly senior rank. As far as possible, transfers, particularly at higher levels, should be made after full tenure so that the officers may get sufficient time to acquaint themselves with the problems and also take effective measures for their solution. A Study Group of the Committee during their visit to Bastar district of Madhya Pradesh gathered the impression that staff at lower levels is frequently transferred and that transfer to such remote areas is considered by the staff to be a sort of punishment. This practice of frequent transfer should be discontinued.

4.12. The field staff should be properly recruited. To attract competent field workers for working in remote tribal areas, it is necessary to adequately compensate them. The District Officer should have adequate field staff down below at Block or Tehsil level, in executing their own schemes, instead of relying on other departments for implementation and reports. The non-official Committees, both at the State and District levels, should be active and hold meetings periodically.

4.13. The Committee cannot too strongly emphasise the need for according the Social Welfare Department or Directorate the importance that it deserves considering the fact that it has to cater to the needs of 20 to 25 per cent population of a State.

(ii) *Liaison Universities*

4.14. In the scheme of reorganisation of the office of the Commissioner for Scheduled Castes and Scheduled Tribes, it was envisaged by Government that the Commissioner could call upon a variety of sources and agencies such as the Progress Evaluation Organisation, Research Institutes and Universities and voluntary agencies for organising special studies on selected problems of importance.

4.15. In reply to the question whether the office of the Commissioner has undertaken any research projects associated with the

living conditions and sociol-economic developments of Scheduled Castes and Scheduled Tribes, the present Commissioner has informed the Committee during evidence:

> "There has been no staff sanctioned for this at all. Whatever staff we have has been entrusted with some kind of research work. Apart from this, as a professional anthropologist,I have always tried to keep in touch with all the universities where anthropology and sociology are taught. I am also in touch with the University Grants Commission. I am also on some of their Committees. Through these Committees I always know the work that is going on in the Universities. Sometimes, we send letters to some of the Universities. I will give you a little example. I was very much worried about what was happening to the Bhangi or Balmiki Community. I could get no authentice information from anywhere. So, I went to Calcutta University and asked one of my students who was highly placed there. I told him that I wanted a small report on this subject within three months. He did a first class study in Midnapur District. This has been printed in our report. Last year also we got this information from the University. Gauhati, Calcutta and Ranchi Universities alone can do this. And these are the universities from which we have got these study reports which we have also printed. We do not pay them anything and we have no additional staff to undertake this work. Out of sheer loyalty to the subject, they were giving us these reports. Dr. Kothari of the UGC is now very anxious that this should be encouraged more and more."

4.16. Asked to state whether with all the facilities at his disposal the Commissioner felt the need of the Social Welfare Department for the collection of information, the Commissioner has stated: "Because there are certain types of information which the Universities cannot get, for instance, about land. Universities or anthropologists cannot get this information."

4.17. Asked to elaborate the collaboration arrangements made with the University Grants Commission for studies on the welfare of Scheduled Castes and Scheduled Tribes in different areas, the office of the Commissioner for Scheduled Castes and Scheduled Tribes has, in a written note, furnished the following information:

"This Commissioner had discussed the matter of collecting detailed data regarding the enrolment and performance of Scheduled

Castes/Tribe students with the University Grants Commission, and through the good offices of the latter, useful information on the subject was received in respect of the Universities of Banaras, Delhi, Jadavpur, Karnatak, Magadh, Nagpur, Poona, Punjabi, Andhra, Annamalai, Sardar Patel, Shivaji, Mysore, Allahabad and Bombay.

We had approached the University Grants Commission with following requests:

(a) To reserve suitable number of junior fellowships for Scheduled Caste and Scheduled Tribe persons without lowering down the eligibility rules.

(b) To give preference, other things being equal, to Scheduled Caste and Scheduled Tribe candidates, while selecting candidates for senior fellowships.

Owing to limited funds at their disposal, the Commission did not find it possible to earmark any fellowships out of the limited number available with them, for persons belonging to any particular category of people. They have, however, agreed that they will request the selection committee concerned that while assessing the relevant merits of the applicants for award of a fellowship, they may take into account the circumstances under which candidates belonging to the under-privileged sections of the society, and in consequence subject to various hardships, etc., had pursued their studies upto the post-graduate/research level. This decision of the University Grants Commission is, no doubt, a welcome one. However, in order to make this provision effective, it was considered desirable that the application forms for University Grants Commission Fellowships should have a column to indicate whether the candidate concerned belongs to a Scheduled Caste/Tribe. In the absence of such a column, it would be neither possible for the student concerned to indicate that he belongs to any such class nor will it be possible for the selection committee to know as to which of the candidates belong to the under-privileged sections of the society. The University Grants Commission has agreed to do so.

The University Grants Commission also furnished us a list of the Colleges functioning in the country for the purpose of collecting information about Scheduled Caste and Scheduled Tribe teachers employed therein."

4.18. The Committee note that arrangments have been made by the Commissioner with several Universities for conducting selected studies on the welfare of Scheduled Castes and Scheduled Tribes.

The Committee hope that more and more universities will b persuaded to take up studies on the living conditions and occupational patterns of Scheduled Castes and Scheduled Tribes. They would suggest that, as for as possible, area studies should be undertaken so that problems of a local or regional nature are discussed and highlighted.

4.19. The Committee also hope that the University Grants Commission would agree to the suggestion of the Commissioner for reserving suitable number of junior fellowships for Scheduled Castes and Scheduled Tribes.

CHAPTER V

INVESTIGATION INTO CASES OF HARASSMENT, EXPLOITATION ETC.

5.1. The overall responsibility of investigating and evaluating the progress made as far as the constitutional safeguards provided to Scheduled Castes under the Constitution are concerned, rests with the Commissioner for Scheduled Castes and Scheduled Tribes. Soon after his appointment, the first task to which the Commissioner addressed himself was to gain a first-hand knowledge of the conditions under which the Scheduled Castes and the Scheduled Tribes lived and the extent of social, economic and educational disabilities from which they suffered. With a view to achieving this object, he toured through the length and breadth of the country and the experience he gained was incorporated in his first report (1951). His first Report also contained two separate *ad hoc* reports which he had to undertake in pursuance of the desire of the Prime Minister and also in pursuance of the direction given by the President.

5.2. Complaints used to be received by the Commissioner regarding practice of untouchability, harassment, etc., received in the Commissioner's office, from Scheduled Caste persons. Beginning with a modest few hundreds during the earlier years, the number of such complaints rose to 1,429 during 1967-68.

5.3. When the State Governments/Union Territory Administrations and other authorities concerned were entrusted by the Commissioner to investigate into these complaints, the results obtained were very discouraging. In his own language:

> "The State Governments/Union Territory Administrations and other authorities concerned often take a very long time in investigating the cases referred to them from the Commissioner's office. In fact, in some cases the authorities concerned have taken several years in conducting necessary inquiries. For example, a complaint regarding the observance of untouchability was referred for facts of the case to the State Government concerned, in February, 1958 and the final reply in the matter was received in October, 1961, only after several reminders. This is not an isolated case of the type."
>
> (Commissioner's Eleventh Report, p. 10)

5.4. In his latest Report (1967-68), it has been stated:

"All the above complaints (1,429 in 1967-68) were received in the Commissioner's organisation in Delhi direct. As the regional organization of the Commissioner had been wound up in June, 1967, such complaints received in the regional offices, now under the charge of the Director General of Backward Classes Welfare of the Union Department of Social Welfare, have not been included in the above statement."

[Commissioner's Report 1967-68, p. 43]

5.5. When asked to state the methods adopted for investigating cases of atrocities committed against scheduled caste and scheduled tribe people in the States, the present Commissioner has informed the Committee during evidence:

"There are two ways in which we can deal with it.—Either we go there ourselves; the Commissioner's office sends someone.*** And when it is very serious, immediately either we go or the Minister or the Deputy Minister-in-charge goes. Sometimes we accompany them. Sometimes they go on their own, and immediately when they come back, we try to get a report from them. In this way, up to now, we have not relinquished our responsibility in respect of any of the important cases."

5.6. Illustrating his point further, the Commissioner has stated:

"One of the shootings took place in Ranchi. It took place on the 3rd June, 1968. Immediately, I went there with the Zonal Director who was under the Director General.*** The result was we got certain pieces of information I did not get from the offices of the Commissioner, SDO or BDO. The unfortunate part of it was that as it was a case *sub-judice* I could not bring out my findings and place them in the Report itself. I submitted my confidential report on Ranchi, Nagaland etc. which never find a place in the report.

So, whenever a thing happens either our own office or some agent of the Social Welfare Department immediately make our own enquiries and quite often they are at variance with the published report. Sometimes it is much worse than the published report and sometimes we find there is exaggeration in the news report. These confidential reports are submitted to the President, Prime Minister,

Deputy Prime Minister, Home Minister and our Social Welfare Minister."

5.7. The Committee note that the Commissioner for Scheduled Castes and Scheduled Tribes receives complaints from Scheduled Castes and Scheduled Tribes in regard to cases of harassment, exploitation, etc. and the practice of untouchability. They also note that the number of such complaints is on the increase. The Committee consider that it is the constitutional responsibility of the Commissioner to investigate such cases of harassment or atrocities committed against Scheduled Castes and Scheduled Tribes irrespective of the fact that they might be under investigation separately by governmental agencies. The Committee suggest that the Central Government may impress upon the State Governments concerned the desirability of promptly investigating the complaints referred to the latter by the Commissioner for Scheduled Castes and Scheduled Tribes. Both the Central and State Governments should give due weight to the findings of the Commissioner on the cases investigated by him. The action taken by the State Governments on such complaints should be regularly published in the Annual Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. A selection of the more important complaints investigated by the Commissioner as also by the State Governments should be made and published in the form of *ad hoc* Reports of the Commissioner to the President.

CHAPTER VI

TENURE, QUALIFICATIONS AND STATUS OF THE COMMISSIONER

Tenure and Qualifications of Commissioner

6.1. The Government of India in the Ministry of Home Affairs in their letter to the Accountant General, Central Revenues, New Delhi dated the 14th October, 1952 (Appendix XIV) have prescribed the following tenure of service of the Commissioner for Scheduled Castes and Scheduled Tribes:

> "The tenure of the post will be three years which may be further extended, if considered necessary in the public interest. Notwithstanding the provisions of Fundamental Rule 56, the incumbent will be eligible to hold the post for full period of tenure, including any extensions granted, irrespective of his age."

6.2. The first Commissioner (Shri L. M. Shrikant) was appointed on the 18th November, 1950. He handed over charge of the post of the Commissioner at the end December, 1961. The next Commissioner (Shri Anil K. Chanda) took over charge of the post on the 25th April, 1962, and retired in April, 1966. He was given leave for 3 more months.

6.3. The next Commissioner, Shri S. C. Sen Gupta, was appointed in November, 1966, and he vacated his post on the 30th June, 1967.

6.4. The present incumbent to the post of Commissioner took charge on the 1st July, 1967 and has been continuing in his post since then.

6.5. When asked to indicate his views about the tenure of the Commissioner, a former Commissioner has informed the Committee during evidence:

> "There should certainly be a fixed tenure of 3 or 4 years. I do not see any reason why it should not be so.*** It is desirable to have a fixed tenure."

6.6. As regards qualifications, the Committee have not come across any document where the qualifications of the Commissioner have

been laid down. When asked to indicate what should be the qualifications of the Commissioner, the first Commissioner has informed the Committee during evidence that no qualifications were prescribed when he was selected at the instance of the President. The qualifications that one should look for in the incumbent are "(i) interest in the work; (ii) some experience in the work; and (iii) dedication and capacity to manage officers."

6.7. A former Commissioner felt that the Commissioner should be "a public man and not from the services. He should be a man of wide sympathies, and well-known for his interest in the underdog. He should have some interest and practical experience of the work. But it is very difficult to make a hard and fast rule as to what should be the qualifications of the Commissioner."

He has further stated that the Commissioner "should have a certain status in society; not only the society, but *vis-a-vis* the Government also. If he is an officer, he would find it very difficult later on to act independently *vis-a-vis* other people.*** I do not think any academic qualification is necessary."

6.8. Another former Commissioner, who belonged to the Services before his appointment as Commissioner, stated before the Committee: "The Commissioner has to look into the safeguards and prepare a Report for the Parliament as to how the observance of the safeguards had worked. It is only a great social worker who is devoted to the cause of the Scheduled Castes and Scheduled Tribes and who has developed expert knowledge in social sciences may be useful. I shall be failing in my duty if I do not tell you from my experience as a Commissioner and a Joint Secretary that this responsibility should be in the hands of somebody who is known for social welfare sympathies; who has also acquired administrative experience in matters of budget, recruitment of staff in disbursement of educational grants and so on."

6.9. According to the present Commissioner:

> "He (the Commissioner) should have firstly a wide knowledge of our society and how it changes. This is of the utmost importance. He should not merely be an administrator.** Experience in administration is of less importance than a wide knowledge of what changes are taking place in the society. Secondly, he should be a man who not merely knows this, but also have some experience of social work.

He should also be in contact with many non-official organisations and voluntary organisations in the country, and should know what they are doing.**** A man should not merely know what is happening in India, but he should also know how voluntary organisations are trying to change the society. The knowledge of this kind is of very great importance for a Commissioner."

6.10. The Committee wanted to know from the former Commissioners for Scheduled Castes and Scheduled Tribes whether they considered it desirable that the Commissioner should be one belonging to Scheduled Castes and Scheduled Tribes. All the Commissioners were of the opinion that it was not necessary to appoint a Commissioner exclusively from Scheduled Castes and Scheduled Tribes. Much depended on the qualifications of the person appointed.

6.11. The Committee note that according to the Government of India (Ministry of Home Affairs) letter dated the 14th October, 1952, the normal tenure of the Commissioner for Scheduled Castes and Scheduled Tribes has been fixed for three years but extensions beyond this 3-year period have been given to more than one Commissioner. The first Commissioner was in office for about 11 years. The Committee consider that the tenure of a 3-year period given to a Commissioner is too short in as much as during the first 6—12 months of his tenure, the Commissioner has to familiarise himself with the problems facing the Scheduled Castes and Scheduled Tribes in different parts of the country. The Committee consider it desirable that every Commissioner should have a fixed tenure of five years and, in no circumstances, should this tenure be extended.

6.12. As regards the qualifications of the Commissioner for the Scheduled Castes and Scheduled Tribes, the Committee are in agreement with the views expressed by a former Commissioner that the incumbent of the post should be a public man and not from the Services. He should be a man well known for his sympathies and active interest in the welfare of Scheduled Castes and Scheduled Tribes. They are also in agreement with the views expressed by the Estimates Committee (1958-59) in their 48th Report that the Commissioner's position is more or less analogous to that of a judge. He, as a Special Officer appointed by the President, has to see that the directive of the Constitution is properly fulfilled.

(ii) *Status of the Commissioner*

6.13. In para 3 of Section II of his 1951 Report, the then Commissioner for Scheduled Castes and Scheduled Tribes has stated that "Though I have been given the status of a Secretary of a Ministry of the Government of India, I have accepted a fixed pay of Rs. 1,500 p.m. The question of the status of my office, which should enjoy all the privileges available to other Statutory Offices, e.g. Union Public Service Commission, Supreme Court, Election Commission and Office of the Comptroller and Auditor General, is still under consideration." In his 1952 Report, in para 4 of Section II thereof, he has stated, "As regards the status of my office, it has been decided that it is the same as that of the office of the Election Commission, the Union Public Service Commission, or for that matter, of any other Statutory office." It has been stated by the office of the Commissioner that this statement made in 1952 Report of the Commissioner appears to have been based on the noting that had taken place in one of the Ministry of Home Affairs' files (File No. 74(6)/50-Public), extracts from which are reproduced below:

"The status of my office *vis-a-vis* the Ministry of Home Affairs still requires to be defined in accordance with the Constitution. My appointment as Commissioner for Scheduled Castes and Scheduled Tribes has been made by the President under Article 338 of the Constitution and as such it is a Statutory appointment. I have also been given to understand that my status as Commissioner will be equal to that of a Secretary of a Ministry in the Government of India. My office should, therefore, enjoy all the privileges available to other Statutory Offices e.g. U.P.S.C., Supreme Court, Election Commission, Office of the Comptroller and Auditor General, all of which are themselves responsible for appointing their staff. For purposes of submission of my report to the President or for budgetary matters and those with which the Parliament is concerned, I can, no doubt, be attached to a Minister. This arrangement does already exist and for the above purposes I am attached to the Minister for Home Affairs. As H.M. is aware, I am required to submit periodical reports to the President on the working of the safeguards provided in the Constitution for the Scheduled Castes and the Scheduled Tribes. In order that the material collected for my report is accurate and dependable in all respects, I should have a free hand in selecting my staff. I will, undoubtedly, ensure that the existing recruitment rules laid down by the Government are not infringed while making any appointment in my Office.

2. H.M. may kindly see. I hope he will agree to observations made by me above.

(Sd.) L. M. SHRIKANT,
Commissioner
6-11-1951

* * * *

It will be seen from the portion sidelined 'A' at page 19 in file No. 74|6|50-Public that the Office of the Commissioner for Scheduled Castes and Scheduled Tribes has the same status as that of the office of the Election Commissioner. The position is the same in respect of the U.P.S.C. or for that matter any other office except the Supreme Court and the office of the Comptroller and Auditor-General who have their own cadres and scales of pay which in many cases are lower than those obtaining in the Secretariat Offices. It will thus be seen that the status of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes is in the matter of appointment the same as that of any other Statutory Body or Secretariat Office. It is only for administrative convenience and for reasons of economy that the Office of the Commissioner for Scheduled Castes and Scheduled Tribes is attached to the Home Ministry. For instance, cash, type and despatch and other miscellaneous work of his office is being handled by the Ministry of Home Affairs. It is, however, up to the Commissioner to terminate this arrangement as soon as he considers that his office can function as a self-contained unit.

It seems that the Commissioner was under some misapprehension in regard to the procedure followed in making appointments. He seemed to be satisfied when I explained the above position to him.

(Sd.) FATEH SINGH,
9-10-52.

* * * *

As I understand the position, the U.P.S.C., for instance, is not independent in regard to the recruitment of their Staff. So far as Assistants are concerned, I presume that it chooses them from amongst those who pass through an examination conducted jointly for all the Ministries. In regard to the higher staff I take it that their choice is limited to the members of the I.A.S. or members of the Central Secretariat Services. In other words, the U.P.S.C. does

not occupy the position which the Commissioner proposes for himself. I would like this to be confirmed by office. I expect the Chief Election Commissioner is in the same position as the U.P.S.C.

(Sd.) H. V. R. IENGAR,
10-11-51
Secretary.

D.S.(F)

The presumption at 'A' of Secretary's note above is confirmed.

(Sd.) FATEH SINGH,
12-11-51.

I have sent a separate note to H.M.

(Sd.) H. V. R. IENGAR,
14-11-51"

6.14. During the course of evidence, the first Commissioner has informed the Committee:

> "I had correspondence with the Prime Minister and I got the surety that my status is quite independent like U.P.S.C. and the Election Commissioner. That was decided. I was appointed in 1950. I continued to strengthen my office, continued to lay down new lines. It was a new office. I started with the skeleton staff. To investigate the very fundamental question about the weaker section and the Scheduled Castes and Scheduled Tribes, I must have an independent position and in that independent position I shall not depend on the data given by the State. I shall verify. I shall not depend on the data given by the Ministries here. I shall have to tally with my own.
>
> * * * *
>
> For parliamentary purposes only, I have to submit the report through a Minister, not a Ministry*** To that extent. I am dependent."

6.15. The first Commissioner also agreed with the Committee that matters relating to the powers and functions of the Commissioner should be laid down by an Act of Parliament. He has suggested that Article 338 of the Constitution may be amended as under:

"(1) There shall be a Chief Commissioner for Scheduled Castes and Scheduled Tribes to be appointed by the President.

(2) It shall be the duty of the Chief Commissioner to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards and of those schemes of development for the Scheduled Castes and Scheduled Tribes after their evaluation at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament and sent to the Governors of the States who shall also cause such reports to be laid before the respective State Legislatures.

(3) In this article reference to the Scheduled Castes and Scheduled Tribes shall be construe as including references to such other backward classes as the President may, on receipt the report of Commissioner appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian Community.

(4) Subject to the provisions of any law made by Parliament, conditions of service and tenure of office of the Chief Commissioner for Scheduled Castes and Scheduled Tribes shall be such as the President may by rule determine:

Provided that the Chief Commissioner shall not be removed from his office except in like manner and on like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Commissioner shall not be varied to his disadvantage after his appointment.

(5) The President shall, when so requested by the Chief Commissioner, make available to him such staff as may be necessary for the discharge of the functions conferred on him by clause (2).

(6) The administrative expenses of the office of the Chief Commissioner for Scheduled Castes and Scheduled Tribes, including all salaries, allowances and pensions payable to or in respect of persons serving in his office, shall be charged on the Consolidated Fund of India."

6.16. When asked to give his views on the powers of the Commissioner, a former Commissioner has informed the Committee during evidence:

"In regard to investigations into the difficulties and service conditions, very often files are not made available to the poor Commissioner. In my time, I remember I wrote two letters—the Minister then probably was Shri Asoka Sen—as to the powers of the Commissioner. Unless the files are placed before him, it will be very difficult for him to correctly investigate. He has very often to accept whatever is told by the State Governments. I think it is better to have a statutory provision."

He has also stated:

"Whosoever is appointed as the Commissioner should have an independent status so that he can act freely in criticising either the State Governments or the Government of India. During the period when I was there, I certainly did not have any difficulty."

6.17. Another former Commissioner has informed the Committee during evidence:

"This (1954) Report of Shri Shrikant was unfortunately a little optimistic and rosy. It did not represent the real position, it says, the 'office of the Commissioner has started functioning as an independent unit like other statutory offices—Election Commission, Union Public Service Commission, etc.' But actually, when I read this Report of my predecessor and when I found my position as Commissioner, I found that it was not at all a correct position. I would request you to kindly see that the Commissioner does get a real position of power and responsibility. The Commissioner has been given the status of a Secretary to the Government of India. Well, this status is nominal. There is a thing called Warrant of Precedence, and he has been included in Entry 31, which includes officers like Secretaries to the Government of India. Lt.

Generals in the Army and so on. But this inclusion under Entry 31 does not at all give any power of a Secretary to Government of India in respect of financial matters. It is just an honorific acceptance that he is a highly respected officer of the Government. But in the case of Chief Election Commissioner or the Chairman of UPSC, not only have they been given higher status in the Warrant of Precedence under entry 27, but the Constitution also has laid down under Article 334 as to what the status and the position of the Chief Election Commissioner would be. I do not know if it will be possible to amend the Constitution to give more power and higher status to the Commissioner. If amendment of the Constitution is not possible, it should be possible by a decision of the Cabinet to give him a position analogous to the Chief Election Commissioner by listing him under entry 27 of the Warrant of Precedence and also by declaring that he should have the financial and administrative powers as if he is a Secretary to the Government of India."

6.18. Elaborating his views further this former Commissioner has said during evidence:

"It is the weakness in our national life that one fifth of the population are not on the same level as the remaining. It is creating a great weakness in our national organisation. It should be the endeavour of a very high power officer to see that year after year some definite progress is made. It is not done. Nobody takes it seriously. For instance, * * * * the Schedules V and VI of the Constitution deal with tribal areas. There lies the special responsibility of the Governors.

"When a Governors' Conference is held, I should think one of the first officers to be invited to attend should be the Commissioner or Scheduled Castes and Scheduled Tribes. He can even question the Governor 'Your report has not come.' You will find that I have given a list as to how the Governors' Reports are delayed. They do not take it seriously. Now unless he is of a proper status with proper powers, how can he question a Governor. How can you hope to invite him to a Governors' Conference. But I consider it is very necessary. He should be invited,

allowed some time to explain what he considers to be the shortcomings in the Governor's Report. In short, he should be in a position to point out the defects of the Governors' Report. It is my personal view."

Continuing his arguments, this former Commissioner has informed the Committee:

"The Commissioner is in a position of a Judge. His position is more that of a Judge than that of a mere officer. He judges not only how crores of rupees are spent but also how the Government is taking this one-fifth of the population on the road to development so that a time may come when special safeguards may not be necessary. He is not only a judge as to how money is spent but how Government functions. The Ministry of Law gave an opinion that in order to discharge this function the Commissioner must have his own staff so that he can tell the Parliament honestly and to the best of his conscience that 'I am satisfied that this is the correct data on which I have formed my opinion.'"

6.19. Asked to express his views in regard to the status of the Commissioner, the present Commissioner has stated:

"I will be happy for the higher status of my office * * *. It is upto the Government to see how much power they are going to give me* * *. With more power, I will certainly be able to do more."

6.20. The Committee are unhappy to note that the Commissioner had been seriously handicapped in the discharge of his constitutional obligations inasmuch as files or relevant papers required by him for investigation purposes were not made available to him. The Committee hope that the Ministries and Departments will extend the fullest co-operation to the Commissioner in this matter.

6.21. The Committee note that the status of the Commissioner is that of a Secretary to the Government of India and his name figures under entry 28 of the Warrant of Precedence. The Commissioner submits his Report to the President through the Minister of Social Welfare to whose Ministry the office of the Commissioner is at present attached for purpose of Parliamentary work. He functions as

an independent officer insofar as the investigation of matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution is concerned. The Committee, however, feel that the Commissioner as a Special Officer of the President should be given a higher status at least equal to that of the Chairman, Union Public Service Commission and the Chief Election Commissioner and his name should be included under entry 25 of the Warrant of Precedence. The Committee also recommend that the matters relating to the powers, functions, status, tenure as also the organisation of the Commissioner should be laid down by an Act of Parliament.

CHAPTER VII

MISCELLANEOUS

(i) *Reports of the Commissioner for Scheduled Castes and Scheduled Tribes*

7.1. In reply to a question in Lok Sabha on the 10th August, 1969 asking whether the annual reports of the Commissioner for Schedueld Castes and Scheduled Tribes since 1951 have been regularly discussed in all the State Assemblies and Councils, the Minister of Social Welfare gave the following information:

Name of the State	Report for the period	Date of discussion in Legislative Assembly	Date of discussion in Legislative Council
1	2	3	4
Bihar	1955	13th, 16th and 17th Dec., 1957	13th December to 19th December, 1957.
Bombay	1955		26th February, 1958.
Assam	1956-57	7th April, 1959	
Orissa		Not available	
Rajasthan	1959-60 1960-61	Discussed in Rajasthan Vidhan Sabha on 3rd and 4th September, 1963.	
Punjab	1961-62	Discussed in Punjab Legislative Council on 6th and 7th April, 1964.	
Rajasthan	1957-58 1958-59	Discussed in State Legislative Assembly on 25th and 29th August, 1960.	
Rajasthan	1963-64	Discussed in Rajasthan Vidhan Sabha on 18th & 19th July, 1967.	

7.2. In reply to a further question whether any constitutional remedy has been thought for fulfilling an obligation that rests mainly on the State Governments in this regard, it has been stated by the Government:

> "The Constitution required only that the Reports of the Commissioner should be laid before the Houses of Parliament. There is no constitutional obligation for discussion either in the Houses of Parliament or in the State Legislatures. Further the Commissioner's Reports have hitherto been prepared mainly for presentation to Parliament; they have not been drafted State-wise, nor have they covered all the States. For a purposeful discussion in the State Legislatures, the Commissioner's Reports may have to be compiled for each State separately".

7.3. A former Commissioner has, during evidence expressed the view that the Commissioner's Reports should also be placed before the State Legislatures.

7.4. Even the present Commissioner has held the views that "It will be very good if a statutory provision is made so that what we say, good, indifferent or bad, according to our own wisdom, is also discussed in the State Assemblies. It is very important."

7.5. The Committee note that there is no constitutional obligation to lay the Report of the Commissioner for Scheduled Castes and Scheduled Tribes before the State Legislatures. As, however, the Commissioner's Report deals with matters falling not only within the purview of the Central Government, but also of the State Governments, it is essential that the Report of the Commissioner should also be laid on the Table of State Legislatures so that the latter could initiate discussions on the Report of the Commissioner and also implement the recommendations made therein. The Committee hope that an arrangement will be made, in consultation with the State Governments for the presentation of the Report of the Commissioner in State Legislatures. If necessary, this matter should be regulated by means of a Constitutional amendment.

7.6. The Committee discussed with the present Commissioner for Scheduled Castes and Scheduled Tribes the question of effecting improvements in the coverage of the Annual Report as also the increase in its circulation. Asked to state his views in the mater, the Commissioner has stated before the Committee:

> "I have some definite suggestions. One is that we try to cover all aspects—education, land problems, untouchabi-

lity, so on and so forth, every year. But every year we do not have enough data on these subjects because years are so short that nothing significant happens in the course of 12 months. Next year we merely go on repeating what we should have said in the previous year. My own feeling, which I would share with you, is that let us concentrate each year upon certain selected aspects of things. For instance, in one year we may contemplate on land problem, and probably we will report again on the land problem two years after or three years after. We will have new material collected in the meanwhile. Instead of covering the whole spectrum, we should cover a portion of it. Then we can make it much more useful. This is my feeling about it.

Of course, besides this, I have another feeling also: the circulation of the report must be a little more wide than it is now. Today the circulation is only limited to the Parliament."

7.7. The Committee are glad to note that the question of effecting improvements in the coverage of the Report is under the active consideration of the Commissioner. They hope that it would be possible for the Commissioner to include the material in his Report on a subject-basis as well as on State-basis. Endeavour should also be made to include in each Report a statement showing the action taken by the Government, both Central and State, on the recommendations contained in the previous Report.

7.8. The Committe would like to suggest that it is not necessary for the Commissioner to present only one consolidated report at the end of the year. The Commissioner should be free to report to President as often as is necessary on important matters affecting the interests of Scheduled Castes and Scheduled Tribes. The Commissioner should also unhesitatingly bring to the notice of the President by means of his report about the action or inaction of the authorities, both Central and State, in implementing his suggestions.

7.9. The Committee further suggest that Government should endeavour to see that the Reports of the Commissioner are discussed in Parliament and State Legislatures soon after their presentation.

(ii) *Link with the Central Executive*

7.10. Asked to state his views on the question whether the welfare of Scheduled Castes and Scheduled Tribes should remain a

charge of the Home Ministry or with any other Ministry, the first Commissioner has informed the Committee as under:

> "I am definitely of the view that the welfare of Scheduled Castes and Scheduled Tribes should be entrusted with the Home Ministry. It will be the Home Minister who, because of his stature, can bring round the State Governments."

7.11. Another former Commissioner has stated:

> "Personally I feel that the work is of such an importance that it should be either with the Prime Minister or with the Home Minister."

He has further added:

> "Without any disrespect to any Minister, it goes without saying that in the mind of State Governments, Home Ministry enjoys a higher position than any other Ministry. It certainly has much greater political powers than the rest."

7.12. One more former Commissioner has also given his opinion on this point. During evidence he has said, "It is very unfortunate in our country that unless something emanates from the Ministry. it does not carry much weight."

7.13. According to the present Commissioner, however, the existing arrangements did not create any difficulty. "I have had no difficulty either with the Law Ministry or the Oil Ministry." he said during evidence.

7.14. During the course of evidence, the representative of the Department of Social Welfare has stated that all functions relating to Scheduled Castes and Scheduled Tribes are concentrated in the Department of Social Welfare except one or two items which are left with the Ministry of Home Affairs, namely, (i) Reservation in Services, and (ii) Scheduled Areas. From the point of view of the interest of the Scheduled Castes and Scheduled Tribes people, existence of separate Department like this has been, to some extent, useful. "If you revert to the old system, it will be change for the worse," he said.

7.15. The Committee have also been informed that a committee has been set up by the Central Government under the Chairmanship of the Home Minister to review the performance in matter of

recruitment of Scheduled Castes and Scheduled Tribes in the services|posts in or under the Government of India, Union Territory Administrations and Public Undertakings under the control of the Government of India.

7.16. The Committee have given careful consideration to the question and find that matters relating to the welfare of Scheduled Castes and Scheduled Tribes are at present looked after by two Ministries. The matters pertaining to safeguards for Scheduled Castes and Scheduled Tribes in services are dealt with by the Ministry of Home Affairs, and the remaining matters concerning them are dealt with by the Department of Social Welfare. The Committee feel that this is an unsatisfactory state of affairs. Since the matters pertaining to safeguards in services for Scheduled Castes and Scheduled Tribes have necessarily to be dealt with in the Ministry of Home Affairs who deal with the general question of services, the Committee feel that it would be desirable if the entire field of welfare of Scheduled Castes and Scheduled Tribes is looked after by the Ministry of Home Affairs. The independence of the Commissioner's Office should, however, be preserved and the Commissioner may send his Reports to the President through the Minister of Home Affairs. The Minister of Home Affairs will also be technically answerable to Parliament for all questions relating to the Commissioner's Reports and implementation of the recommendations contained therein.

7.17. The Committee are also of the opinion that with a view to give due importance and urgency to the welfare of Scheduled Castes and Scheduled Tribes in the States, the main burden for which falls on the State Governments, the portfolio of the welfare of the Scheduled Castes and Scheduled Tribes should be held by the Chief Ministers of States themselves or by the Home Ministers of States.

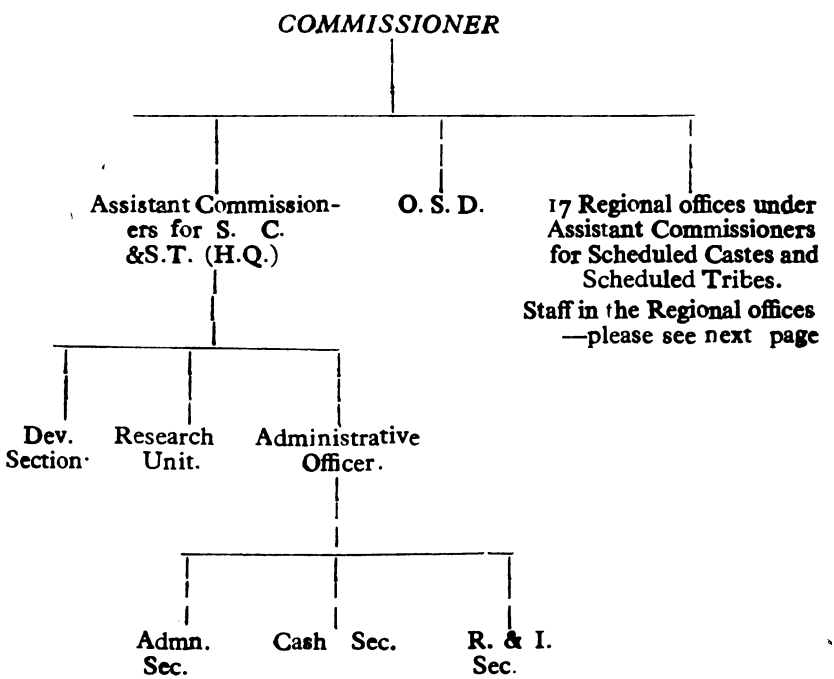
NEW DELHI;
November 26, 1969.
Agrahayana 5, 1891 (*S*).

D. BASUMATARI,
Chairman,
Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

APPENDIX I

(*Vide* para 2.5 of Report)

Organisational set up of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes as on 1-1-1965.



Staff in all Sections

GAZETTED

Section Officer	4
Research Officer . .	1
P.S. to Commissioner .	2
	7

NON-GAZETTED

Assistants	10
Hindi Assistant	1
P.A. to Commissioner	1
Stenographer	1
U.D.Cs.	3
L.D.Cs.	21
Investigators	6
Driver	1
	44

CLASS IV

Jamadar	1
Daftry	4
Peon	8
Farash	1
Sweeper	1
	15

STAFF IN THE REGIONAL OFFICES

Sl. No.	Zone for Asstt. Commr.	Staff in the regional offices									
		Research Officer (Gazetted)	Supdt. (N.G.)	Investigator	UDC	LDC	Stenotypist	Peons	Chowkidar/ Farash	Driver	Total
1	2	3	4	5	6	7	8	9	10	11	12
1	AC, Shillong : Assam Plains Distts. Manipur and Tripura		1	1	1	1	1	2	1	1	9
2	AC, Jorhat : Assam Hills, Distt. NEFA & Nagaland			1	1	1	1	2	1		7
3	AC, Hyderabad : Andhra Pradesh	1	1	2	1	1	1	2	1		10
4	AC, Madras : Madras & Pondicherry			1	1	1	1	2	1		7
5	AC, Baroda : Gujarat, Dadra and Nagar Haveli	1		2	1	1	1	2	1	..	9
6	AC, Ranchi : Bihar	1	1	2	1	1	1	2	1		10

1	2	3	4	5	6	7	8	9	10	11	12
7	AC, Bhubaneshwar : Orissa			1	1	1	1	2	1		7
8	AC, Chandigarh: Punjab			1	1	1	1	2	1		7
9	AC, Solan : . . Jammu & Kashmir and Himachal Pradesh			1	1	1	1	2	1		7
10	AC, Bhopal : . . . Madhya Pradesh (West)		1	1	1	1	1	2	1		8
11	AC, Jaipur : . . Rajasthan and Delhi.	1	1	2	1	1	1	2	1		10
12	AC, Poona : . . . Maharashtra and Goa and Daman and Diu			1	1	1	1	2	1		7
13	AC, Lucknow : Uttar Pradesh :		1	1	1	1	1	2	1		8
14	AC, Bilaspur : . . Madhya Pradesh (East)			1	1	1	1	2	1		7
15	AC, Kalyani : . . . West Bengal and Andaman and Nicobar Islands.			1	1	1	1	2	1		7

16	AC, Bangalore : Mysore		1	1	1	1	2	1	7
17	AC, Trivandrum : Kerala and Laccadive, Minicoy & Aminidivi Islands	..	1	1	1	1	2	1	7

APPENDIX II

(*Vide* para 2.9 of Report)

Copy of D.O. Letter No. 3|3|67-SCTI dated the 9th February, 1967 from Shri M. Ramakrishnayya, Joint Secretary, Department of Social Welfare, New Delhi to Shri S. C. Sen Gupta, Commissioner for Scheduled Castes and Scheduled Tribes, R. K. Puram, New Delhi.

As you know, we have been considering for some time past the question of streamlining the field organisation of the Deputy Commissioners and of making a rational adjustment of the roles of the Commissioner for Scheduled Castes and Scheduled Tribes on the one hand and the Director, Backward Classes Welfare on the other. The question has arisen because of the need for proper co-ordination, formulation and better implementation of the various schemes for the welfare of Backward Classes. This need was realised even as early as 1957, and it was then thought that the aim could be achieved by entrusting the task of evaluation of the schemes to your organisation. For this purpose the Commissioner's organisation had been strengthened by providing more Deputy Commissioners so that the collection of the necessary data and evaluation of schemes could be done in a more effective manner.

2. You will, however, agree that the existing arrangement has not worked as well as we had hoped. This has been due not because the organisation has not worked industriously but because of inherent defects in the organisation itself. To our mind the main reason for present position is the combination of the Constitutional duties of the Commissioner with developmental functions. The latter require that the Commissioner should function as a part of the Government and advise Government on various schemes; on the other hand carrying out the Constitutional functions confers an independent status on the Commissioner and involves criticising the policies and actions of the Government. It is obviously difficult for these two functions to be combined in one person.

3. We in this Department are anxious that the Commisioner's Constitutional position should not be compromised. At the same time, as the Department should have a direct responsibility for formulating and evaluating the welfare schemes to ensure their better

implementation. We, therefore, feel that the best course in the circumstances would be to make the Commissioner responsible only for the duties envisaged under the Constitution. The task of evaluation of the welfare schemes is proposed to be entrusted to the Director of Backward Classes Welfare, who will be re-designated as Director General, Backward Classes Welfare and also function as a Joint Secretary in the Department. Besides some staff at Headquarters, Director General will have a field organisation consisting of five Directors one for each of the five zones created under the State Reorganisation Act. Each Director will be assisted by one or more Deputy Directors according to the load of work as represented by the special programmes, particularly the Centrally Sponsored ones. I enclose a chart (Annexure I) giving details of the proposed organisation for the Director General.

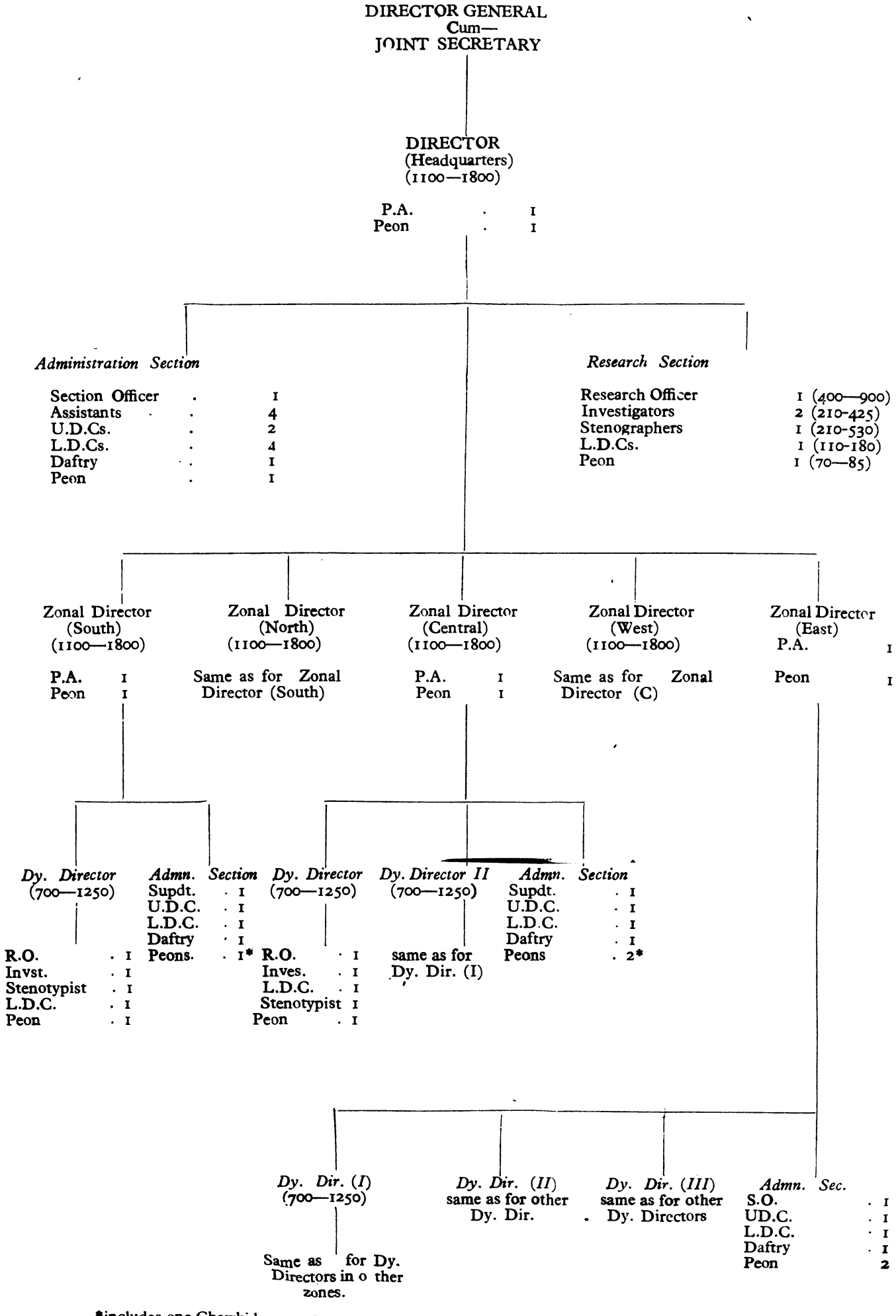
4. There is another reason why a rethinking has become necessary. We are separately considering the proposal to take a more direct hand in the planning, reviewing and evaluating the T.D. Block programme by suggesting the creation of tribal area Development Authorities in States with more than 25 T.D. Blocks, adopting an area approach and by associating one of our representatives with those Authorities at the State level. These representatives must obviously be those who are directly under the Government and who can be expected at all times to reflect our thinking in the Authorities referred to above. It would not be correct to involve the Commissioner and his Deputy Commissioner in these Authorities. His close association with actual formulation and implementation of schemes may detract from his capacity to make an impartial assessment of the conditions and report to the President as envisaged under the Constitution.

5. So far as the Commissioner's organisation is concerned; its responsibility will be to investigate and report on the safeguards provided in the Constitution for the Scheduled Castes and Scheduled Tribes. The work mainly comprises the receipt of complaints, inquiry into them, collection of information for the Report, evaluation of the data received, and finally the preparation of the Report itself. The Commissioner obviously has to rely on the Central and State Governments for data and information. Here the main work would be to remind the different departments and Governments and get them to expedite the supply of the data. Clarification of discrepancies would also be an important item of work. For this type of work, however, it does not appear necessary to maintain a field organisation with senior officers located at different places and having separate offices. In cases where it becomes necessary to have local inquiries made, this could be done through evaluation

APPENDIX III

(*Vide* Para 2.11 of Report)

DIRECTOR GENERAL'S ORGANISATION



*includes one Chowkidar-cum-Farrash.

teams which would be located at Delhi and could move out at short notice to undertake the enquiry. We feel that for carrying out the Constitutional functions of the Commissioner an organisation as indicated below would be adequate:

(i) Two Deputy Commissioners at Head-Quarters in the scale of Rs. 1100—1800.

(ii) One Secretary to the Commissioner in the scale of Rs. 700—1250 to be in over-all charge of the administration.

(iii) An administration or house-keeping section.

(iv) Five evaluation teams, (One for each zone) consisting of one Section|Research Officer, two Assistants|Investigators, one L.D.C. and one Peon.

Further, I may add that the Commissioner can always call upon the Director-General's Organisation to collect the data required or even to make enquiries on specific complaints or issues. The Government will ensure that the D.G. and his organisation will extend all possible assistance and cooperation to the Commissioner in the discharge of his duties under the Constitution. Annexure II gives full details of the proposed organisation for the Commissioner.

6. Before arriving at final conclusions, we would like to discuss this matter with you, at a meeting to be held at 11-30 A.M. on Monday the 13th February in Shri Nakul Sen's room. We shall be grateful if you could kindly attend.

APPENDIX IV

(Vide para 2.12 of Report)

A note prepared by the Commissioner for Scheduled Castes and Scheduled Tribes in regard to the field organisation of the Commissioner for Scheduled Castes & Scheduled Tribes and the proposal of the Department of Social Welfare forwarded to Shri M. R. Amakrishnayya, Joint Secretary, Department of Social Welfare in reply to his D.O. letter No. 3|3|67-Sct.I dated the 9-2-1967.

Evolution of the present organisation

The post of Commissioner for Scheduled Castes and Scheduled Tribes was created in November, 1950. By 1957, seven Regional Assistant Commissioners (now known as Dy. Commissioners) for Scheduled Castes and Scheduled Tribes had been posted in different parts of India. The question that the Commissioner should have an organisation of his own had been considered as far back as 1951 and the opinion given in this connection by the Ministry of Law is reproduced below:—

> "Clause (2) of Article 338 provides that "It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes" and to report on the working thereof to the President who is to cause his report to be laid before Parliament. In clear and unambiguous terms, the clause imposes that as a duty upon the Special Officer, and so requires him to take all action that may be necessary for carrying on the investigations and the making of the report. The language of the clause *prima facie* excludes any implication that the duty, in any respect, can properly be passed on to any authority or person not subordinate and answerable to the Special Officer. This is confirmed also by the principle *delegatus non protest delegare* which applies here as the functions of the investigation involve the exercise of judgement and discretion in the collection and assessment of data. And a consideration of the *raison detre* of article 338 also points to the same conclusion. In order that the reports submitted to Parliament are accurate and dependable, it is necessary that the data on which they are based is collected and assessed by an independent and impartial agency,

applying uniform methods and uniform standards. Therefore the duty in its entirety, must be discharged by the Special Officer himself, with the assistance of such staff as may be provided. He may no doubt request the State Governments to furnish information as to the safeguards provided for the Scheduled Castes and the Scheduled Tribes in each State, and the machinery provided for their enforcement etc. But it is for the Special Officer himself (with the assistance of his staff) to ascertain their actual working, how far they are effective and whether they are adequate, and so forth."

It will be seen from what has been quoted above that it is necessary from the Constitutional point of view that the Commissioner should have his own staff to ascertain facts relating to the working of the safeguards provided in the Constitution.

2. It was in 1956 that the Ministry of Home Affairs which was then in charge of welfare of Backward Classes also took up the question of setting up its own organisation for its own evaluation and for maintaining supervision and financial control in respect of scheme assisted wholly or in part from out of funds at the disposal of that Ministry. At that time there was no question of doing away with the field organisation (7 Regional Assistant Commissioners) then functioning under the Commissioner for Scheduled Castes and Scheduled Tribes. The question that was considered was whether a separate parallel organisation should be set up to work in close collaboration with the Commissioner and his Regional Assistant Commissioners. The following from the masterly minutes of late Shri Gobind Ballab Pant, the then Home Minister may be quoted in this connection:—

The proposed organisation "should work in close cooperation not only with the State but also with the Commissioner and his Deputies. It may be possible for them to coordinate their activities at least to certain extent."

3. However, it is found that in course of discussion, a two-fold objective emerged, viz.:—

(a) To make the fullest use of the existing organisation under the Commissioner, for purposes with which the Ministry of Home Affairs were primarily concerned; and,

(b) As far as possible, avoid the creation of new posts.

Finally, a compromise solution was arrived at, *viz.* the Commissioner, without prejudice to his position as Constitutional Adviser to the President, should work under a convention under which he would

function for all practical purposes as Head of a Department under the Ministry of Home Affairs in matters pertaining to the supervision and financial control to be exercised in respect of schemes to be assisted wholly or in part from out of funds at the disposal of the Home Ministry, assessment of results under these schemes and submission of prejudicial reports and statistical returns prescribed for the purpose. The ultimate responsibility for the work would be that of the Ministry of Home Affairs and the Commissioner would be guided by all general orders and regulatory direction evolved in the Ministry. Periodical reports and returns received from the field officers would be examined by the Commissioner and forwarded to the Ministry with such comments as might be necessary.

As regards the field staff, it was considered that the charge of the then existing Regional Assistant Commissioners would be too heavy if the duties which were envisaged at that time were also entrusted to them. The territorial jurisdiction of each Assistant Regional Commissioner was, therefore, redistributed so as to restrict it ordinarily to one State. In that way, additional 9 posts were created bringing the total of posts of Assistant Regional Commissioner to 16.

Actual working of the scheme envisaged by the Ministry of Home Affairs

4. It is clear from the minutes of late Shri Gobind Ballabh Pant that he probably had his misgivings about the success of the compromise scheme. When the scheme was put forward to him, he recorded the following Minute under date 15-8-1956:

> "Agree. May be tried. Additional comments may have to be appereciated later."

5. It appears that, after the introduction of the scheme, all that the Ministry of Home Affairs desired for their purposes, from our Deputy Commissioners was copies of their tour notes and quarterly reports indicating developments in the various fields. These quarterly reports were discontinued towards the end of 1964 and the Deputy Commissioners were, instead, asked to submit half yearly reports to the Department of Social Welfare. Occasionally, the Department of Social Welfare has also been asking the Dy. Commissioner for information on *ad hoc* proposals or specific subjects which have always been furnished to them after collection from the authorities concerned in the various States or by on-the-spot enquiries of the Deputy Commissioners.

6. Thus, while the Commissioner's organisation did what they were required to do, it appears that the arrangement has not worked as well as the Ministry of Home Affairs (and later the Department of Social Welfare) had hoped. To quote from the above mentioned d.o. letter from the Joint Secretary, Department of Social Welfare,

> "This has been due not because the organisation has not worked industriously but because of inherent defects in the organisation itself. To our mind the main reason for the present position is the combination of the Constitutional duties of the Commissioner with the developmental functions. The latter required that the Commissioner should function as a part of the Government and advise Government on various schemes; on the other hand carrying out the Constitutional functions confers an independent status on the Commissioner and involves criticising the policies and actions of the Government. It is obviously difficult for these two functions to be combined in one person.

On the basis of my experience as Joint Secretary Department of Social Welfare and also on the experience I had gained as Commissioner for Scheduled Castes and Scheduled Tribes, I entirely agree with the views of the Department of Social Welfare quoted above.

Necessity for a field organisation under the Commissioner

7. While, as already mentioned, I entirely agree with the above finding of the Department of Social Welfare, I am afraid, I have to point out that abolition of the field organisation under the Commissioner and utilisation of the saving for setting up a field organisation under the Department of Social Welfare do not seem to be a correct solution. The question whether the Commissioner effectively and adequately attend to the duties entrusted to him under Article 338 of the Constitution wihout a field organisation may be discussed.

India is a vast country comprising as many as 26 States and Union Territories spread over an area of over 3 million sq. k.m., the population of the Scheduled Castes and Scheduled Tribes, whose safeguards are required to be watched by the Commissioner, is about 100 million; the problems of these communities created by social injustices, isolation and exploitation, are numerous and most complicated; they are as inhabited, particularly by the Scheduled Tribes, are not easily accessible.

Secondly, apart from the general problems created by vastness of the country and the number of people involved, it is to be emphasised that each State has its own peculiar problems and most of the complaints and grievances are naturally written in the local regional language. From this point of view, it is very necessary that a representative of the Commissioner should be locally available within the State.

Thirdly—this is an important point—it is to be emphasised that the Commissioner has to look into the working of the policies not only of the Central Government but also of the State Governments and to form his opinion about impact produced by these policies. For this purpose, a Regional Organisation located within the State in indispensable. It may be mentioned that if the Regional Organisation under the Commissioner is abolished and replaced by a Regional Organisation will, *ipso facto*, be precluded from looking into the schemes and policies of the State Government within the field of welfare of backward classes because it will be naturally confined to only the centrally sponsored schemes and projects. This will mean, from the ponit of view of the Commissioner that an important field will be left uncovered. This cannot be adequately covered by sending out officers on tour from the Headquarters Organisation of Commissioner in Delhi to different parts of India.

Fourthly, it is to be emphasised that while under protection of the Constitution, the critical approach by the Commissioner and his local representatives is accepted and not resented by the State Government, the same may not apply to the field organisation under the Department of Social Welfare. The late Shri G. B. Pant foresaw this and recorded the following in his Minute dated the 13-7-56:—

> "The name suggested (for the proposed orgn. under the Ministry of Home Affairs) namely, "The Central Evaluation Organisation" does not seem to be appropriate. It will creat unnecessary misgivings and also certain amount of confusion as the Planning Commission have a similar organisation. Moreover the functions of these officers should be mainly positive. An Evaluation Officer is interested more in making an assessment of the value of the work done. These persons also will, no doubt, be measuring the progress from time to time and also taking note of other relevant factors but that will be only a subsidiary part of their main task. They should, instead of finding faults try to remove the defects and misunderstandings and see that all that may be possible is done to assist the

men engaged for this purpose in the States. Their outlook must not be negative. They may have to make their comments but they will have to guard against any approach resembling that of carping critics."

Fifthly, it should be pointed out that while the Commissioner's organisation is not the proper medium for carrying out an evaluation on behalf of the Administrative Ministry, it is, nonetheless, to make its own evaluation from its own point of view and for its own purposes. The very fact that under the Article the Commissioner has to investigate all matters arising out of the constitutional safeguards and to submit a Report to the President on the general working of the safeguards implies that the Commissioner should collect the relevant data, study them and make his own assessment and evaluation. For this purpose, as the opinion of the Law Ministry already quoted, has clarified the Commissioner should have his own organisation. Only a Headquarters Organisation in Delhi cannot, I feel, suffice for this purpose. In order to have realistic data and knowledge of actual circumstances prevailing in the different areas of the country including out-of-the way areas and inaccessible areas, the field staff is, as already pointed out, essential.

8. The Department of Social Welfare has stated that the Commissioner can always call upon the Director General's Organisation to collect the data required or even to make enquiries on specific complaints or issues. The Government will ensure that the D.G. and his organisation will extend all possible assistance and cooperation to the Commissioner in the discharge of his duties under the Constitution. While I am grateful for this assurance, I have to point out that the Commissioner's Constitutional duties involve criticising the policies and actions of the Government, both Central and States, and for this reason alone, if not for any other, it is necessary that he should have his own organisation to check up the data obtained from various sources rather than exclusively depend on data supplied by Central and State Government agencies.

Duties of the Deputy Commissioner for Scheduled Castes & Scheduled Tribes

9. The Department of Social Welfare has stated,

"So far as the Commissioner's organisation is concerned, its responsibility will be to investigate and report on the working of the safeguards provided in the Constitution for the Scheduled Castes and Scheduled Tribes. The work mainly comprises the receipt of complaints for the

Report, evaluation of the data received, and finally the preparation of the Report itself. The Commissioner obviously has to rely on the Central and State Governments for data and information. Here the main work would be to remind the different Departments and Governments and get them to expedite the supply of the data. Clarification of discrepancies would also be an important item of work. For this type of work, however, it does not appear necessary to maintain a field organisation with senior officers located at different places and having separate offices. In cases, where it becomes necessary to have local inquiries made, this could be done through evaluation teams, which would be located at Delhi and could move out at short notice to undertake the enquiry."

I feel that the views quoted above rather over simplify the position. Over the year the field organisation of the Commissioner has undertaken many duties and responsibilities associating themselves with the socio-economic problems of the Scheduled Castes and Scheduled Tribes. The fact that an officer designated as Dy. Commisioner for Scheduled Castes and Scheduled Tribes, available within the State, can be approached with complaints, grievances or can give useful information has become well known by this time not only to Scheduled Castes and Scheduled Tribes but also to voluntary organisations, Members of Parliament and State Legislatures. To abolish the entire organisation all of a sudden, will create a vacuum with its repurcussions on public opinion. I have myself seen Deputy Commissioners at work in three States and I found that in many matters they function very usefully for solving the local problems of Scheduled Castes and Scheduled Tribes. For instance, if a Harijan Colony is set up, the defects in laying out the area or other are brought to the notice of the Deputy Commissioner and he takes interest in the matter and does all that is possible to remove the grievances of the affected people. Again, some Scheduled Castes or Scheduled Tribes candidates may have a grievance that they are not called up for interview for advertised posts for which they possessed the necessary qualifications and for which they may have submitted their applications in time. The Deputy Commissioner is approached. He moves in the matter and in many cases, secures redressal or grievances. Again if there is an instance of displacement of Scheduled Castes and Scheduled Tribes owing to establishment of a project, various grievances reach the Dy. Commissioner and he does his best to mitigate the suffering of the people concerned. These are given by way of illustration and are not, of course, exhaustive but the point that I would like to emphasise is that the Dy. Commissioners for Scheduled Castes and Scheduled

Tribes are no longer mere information collecting agencies. They are, as I have already stated, actively involved in socio-economic problems of Scheduled Castes and Scheduled Tribes which the Constitution, by the provision of safeguards, have sought to solve.

10. These duties and responsibilities of the field organisation of the Commissioner naturally flow from the Constitutional responsibilities of the Commissioner himself which can be broadly grouped into three groups as follows:—

(a) Investigation into all matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes (Article 338 of the Constitution).

(b) A general assessment of working of safeguards on the basis of which he is to submit his Annual Report (Article 338 of the Constitution).

(c) A general assessment of the impact of the various developmental schemes in the context of the Directive Principle laid down in Article 46 of the Constitution.

11. These three aspects of the Constitutional responsibility make it necessary that the Commissioner should have a field organisation spread all over the country so that there may be a machinery for receipt of complaints and grievances and looking into them and for making on the spot enquiries where necessary, as also for maintaining contacts with the Scheduled Castes and Scheduled Tribes with a view to explaining to them the measures introduced for their welfare and also for finding out from them how far the measures have fulfilled their expectations.

12. These objectives cannot be effectively achieved if the Commissioner's organisation is limited to a Headquarters Organisation at Delhi. He must have his eyes and ears in the shape of Regional Representatives. The duties of the Dy. Commissioners include:

(i) investigation of cases which may be referred to them by the Commissioner or which may be brought to their notice by the local residents;

(ii) establishment of close contract with the Scheduled Castes and Scheduled Tribes with a view to gaining a knowledge of the disabilities under which they live and to educate them about the measures that they should adopt for their welfare;

(iii) submission to the Commissioner of periodical reports showing the various facilities available for the Scheduled Castes and the Scheduled Tribes in each region and the disabilities under which they live;

(iv) reporting on the progress of expenditure and the achievements of the prescribed physical targets from time to time and investigation and advice on the improvements that can be made in the collection of statistical data;

(v) reporting on the adequacy of the resources and the personnel employment on the various schemes by the State Governments in whom the responsibility for implementation of sanctioned scheme is vested.

While in 1957, delegation of additional duties of evaluation for the Government led to the creation of 9 additional posts of Dy. Commissioner, whether withdrawal of those duties would render these posts surplus.

13. While it is true that in 1957, 9 additional posts were created on the ground that the additional duty of carrying out the evaluation on behalf of Government was given to the Commissioner for Scheduled Castes and Scheduled Tribes, it should be stated that tremendous developments have taken place in India during the ten years which have elapsed between 1957 and 1967. Two Five Year Plans were formulated and put into operation. As the list of Duties of the Dy. Commissioners mentioned above will show, they have been entrusted with various types of work in addition to collection of data for purpose of evaluation on behalf of Government. In view of the rising tempo of activities for welfare of backward classes, the necessity for creation of a post of Dy. Commissioner for Scheduled Castes and Scheduled Tribes for each State would have arisen in any case, even if the additional posts had not been created in 1957. In any case, as has been pointed out even when the scheme was evolved in 1956-57, the complete replacement of the field organisation under the Commissioner by a field organisation under the Administrative Ministry was never contemplated.

Conclusion

14. From my experience as Joint Secretary, Department of Social Welfare, I entirely and wholeheartedly support the proposal that the Department of Social Welfare should have a field organisation to ensure proper implementation of its policies and proper utilisation of Central funds. For this purpose, the Department of Social Welfare is free to introduce its own field organisation. If they want

to have zonal Director as also Dy. Directors in each State, the Commissioner cannot possibly have any objection; rather he would welcome the proposal, because the objective of both is the same *viz.*, the welfare of Scheduled Castes and Scheduled Tribes. The late Shri G. B. Pant himself envisaged that the field organisations under the Commissioner and under the Administrative Ministry should function side by side in close cooperation. I would quote the following from his minute dated the 13th July, 1956:—

> "I do not think that when the proposal for setting up the new Organisation was made there was any intention of working except in close collaboration with the Commissioner of Scheduled Castes and Scheduled Tribes, Regional Officers and his Assistant Commissioners. Any idea that the two are disconnected or independent of each other would be wrong and harmful. As I have already indicated there should be not only close but cordial cooperation between what has so far been called the Evaluation Organisation and the Commissioner or the Regional Assistant Commissioners. Both will be serving a common cause and they would achieve maximum results only by joining hands with each other. There should be no feeling of rivalry. They will have to rely on each other, and also to assist each other. So they have to be guided not by any erroneous sense of independence but by one of uninterrupted inter-dependence."

15. In establishing its own organisation, it is hoped that the Department of Social Welfare will not cripple the organisation of the Commissioner. Actual experience of the last 10 years of working of the compromise scheme of the Ministry of Home Affairs shows that the two objections, *vide* para 3, which they had in view in 1956-57, though calculated to effect some savings, were not sound in themselves. This being the position after actual working of the compromise scheme, it is necessary that the two objectives should be given up. If the ever-expanding programmes for backward classes welfare with vast consequent financial commitments, and the working out of the scheme of "area approach", make it imperative for the Department of Social Welfare to have its own field organisation then that field organisation should be created without finding savings which may result, as I have already stated, in crippling the organisation of the Commissioner.

APPENDIX V

(*Vide* para 2.13 of Report)

Minutes of the meeting with Secretary, Department of Social Welfare on the 13th February, 1967 as recorded by the Commissioner.

As requested by the Secretary, Department of Social Welfare, I met him for an informal discussion in his room in the afternoon of 13th February, 1967. The following were also present:

Shri M. Ramakrishnayya, Joint Secretary.

Shri N. Sundaram, Director, Backward Classes Welfare.

Shri Nasrullah, Deputy Secretary.

Shri M. P. Rodrigues, Under Secretary.

Shri O. K. Moorthy, O.S.D. (SCT).

2. The discussions were based on the proposals sent with Shri Ramakrishnayya's d.o. letter No. 3|3|67-SCTI dated the 9th February, 1967. I pointed out that so far as the proposal of the Department of Social Welfare for setting up a field organisation of their own was concerned, I was wholeheartedly in support of the proposal, but I did not see any reason why that proposal should be put into effect by abolishing the field organisation of the Commissioner to find the necessary saving. The Joint Secretary said he wanted to be satisfied if the Deputy Commissioners for Scheduled Castes and Scheduled Tribes had enough work-load and if instructions had been issued by the Commissioner for their guidance as to how they should carry out their duties and responsibilities. I said that over the years, the Regional Organisation had been built up and there was no question that the officers had enough work-load and it would be vrey unusual to reopen the question whether the creation of the posts was justified or not. As regards issue of instructions, I assured the Joint Secretary that instructions galore had been issued for the guidance of the Deputy Commissioner for Scheduled Castes and Scheduled Tribes and if he wanted to have copies of the instructions, those will be supplied to him.

3. The point which was discussed at length was the collection of information by the Commissioner's organisation for writing up his Report. The Secretary, Shri Nakul Sen gave the assurance that

information would be collected by the proposed field organisation of the Department of Social Welfare and passed on the Commissioner under the authority of the Director General so that Commissioner should have the satisfaction that the information has been received through an officer occupying very responsible position. I quoted the opinion of the Ministry of Law. I said it was not a question whether the information had been passed on to the Commissioner's organisation by an officer occupying a position of responsibility. It was a question that the Commissioner should have his own independent organisation for checking up facts of satisfying himself that information on the points required by him has been collected.

4. Shri Nakul Sen also said that in order to ensure that the field organisation proposed to be set up caters to the needs of the Commissioner's organisation, he would so arrange that the opinion of the Commissioner about the work and conduct of the officers concerned should find a place in the respective Confidential Rolls. I did not express any opinion on this particular point.

5. I also pointed out by referring to the minutes of the late Shri G. B. Pant that there was no proposal at any time to completely abolish the field organisation under the Commissioner but the proposal was that the two field organisations, one under the Commissioner and the other under the Administrative Ministry should function side by side and coordinate each other's activities.

6. At one stage I asked Shri Nakul Sen if it was his idea that the field organisation under the Commissioner should be completely abolished. He said that he had not formed any definite idea and the whole thing was for informal discussions.

At the stage I pointed out an important function carried out by the Deputy Commissioners, *viz.*, receipt of complaints and grievances and looking into them. I said that if these posts were abolished, the aggrieved persons will not have anyone near to them to whom they could go to relate their difficulties or grievances or to whom they could send their written complaints. Shri Nakul Sen said that this was a matter of detail, but I said that this was not a matter of detail but a very vital matter. He said that he would arrange for publicity that complaints could be made to the Commissioner's office in Delhi or to the Deputy Director assigned to a particular State.

7. While the discussions were going on, on the basis of merits of the various issues raised in the Joint Secretary's D.O. letter, Shri Nakul Sen said he would propose a different line for the discussions.

He said that, as agreed to by the Commissioner, there was a need for a field organisation for implementation purposes to work directly under the Department of Social Welfare, but he was not assured of a single additional paisa in the budget allotment by the Finance Secretary. In other words, if he had to carry out any reorganisation, he had to do it within the budget allotment available to the Department of Social Welfare.

He also added that to the extent the Implementation Machinery becomes effective, the task of the Commissioner also became easier because he would have lesser number of omission and commissions to report on.

That being the position, he could not think of any other alternative but to,

(a) Take away the field organisation under the Commissioner on the one hand, and

(b) Strengthen the Headquarters Organisation of the Commissioner so that the Commissioner might not feel handicapped in the matter of carrying out investigations and collection of information.

He asked the Commissioner to consider this aspect of the matter, *viz.*, complete absence of any prospects of getting any additional fund from the Ministry of Finance. I told Shri Sen that after all, the field organisation minus the cost of additional staff proposed for the Commissioner's Headquarters office could not cost more than Rs. 5 lakhs and Rs. 5 lakhs was not such a big amount as could not be found either from the Ministry of Finance or from some other sources of saving within the Department of Social Welfare. I pointed out that according to my experience as Joint Secretary, huge sums have remained unspent. Joint Secretary said these sums were Plan funds and could not be diverted for non-Plan purposes. I said that whether the funds were originally Plan funds or non-Plan funds, the fact remains that funds in rupees and paise remained unspent and available at the end of the year.

8. We have not yet been officially told what exactly are the details of the scheme for setting up a field organisation under the Department of Social Welfare excepting what has been stated in the d.o. letter of the Joint Secretary. However from informal talks I gathered at the meeting that the proposal is that under the Director General, there will be 5 Zonal Directors and the Deputy Commissioners in the different States would be withdrawn but

attached to the Office of the Zonal Director under the designation of Dy. Director but a particular Dy. Director will be assigned to a particular State. They felt that under the scheme the Dy. Director in his dealings and contacts with the State Governments concerned will carry the authority of the Zonal Director. I also gathered that they were thinking on the lines that wherever there would be 25 Tribal Development Blocks, a Development Council would be set up of which the Zonal Director or his Deputy would be a Member. I also gathered that even with regard to the field of activity of the State Sector the Zonal Director or the Deputy Director would be associated.

9. Towards the end of the discussions which, as I have stated, were of an informal character, I handed over to Shri Nakul Sen my d.o. letter No. 4|5|67-Adm. dated the 13th February, 1967, as also the accompanying note. I also handed over a spare copy of the note to the Joint Secretary. I suggested that they might go through the contents of the note which gives my specific views and suggestions on the various issues raised and I suggested that we might meet again for a further discussion on the subject. It was agreed that the matter would be further discussed at 4 P.M. on 15th February, 1967.

10. In course of discussion, Secretary said that according to him the ideal position would be for the Commissioner to have his own field organisation and for the Department of Social Welfare to have its own field organisation and even though, owing to financial stringency some other solution is found for the time being, endeavour should be made to build up the respective field organisations when the funds would permit.

11. Before I left the meeting, I again asked Secretary if he would try to find Rs. 5 lakhs from the Ministry of Finance so that the Commissioner's organisation might not be crippled. He stated that it would not be worth while approaching Finance, even though he agreed that the amount involved was not very large. I left the meeting with the impression that the Department of Social Welfare is very keen on setting up its Regional Organisation but the only way they think of finding some saving is by taking away the Regional Organisation under the Commissioner but they justify the proposal mainly on the basis of 2 arguments, *viz.*,

(a) They are simultaneously proposing to strengthen the Headquarters Organisation of the Commissioner not only at the level of evaluation and investigation staff.

(b) They propose to ensure that the information and data required by the Commissioner would be checked up and then supplied by the organisation of the Director General, if the Commissioner wants this to supplement the information, he may gather through his own organisation at the headquarters of his office.

(Sd.) S. C. SEN GUPTA,
Commissioner for Scheduled Castes and Scheduled Tribes
14-2-1967

APPENDIX VI

(*Vide* para 2.14 of Report)

Note recorded by the Commissioner on 15-2-1967 on the subject of reorganisation of his office.

With reference to the D.O. letter No. 3|3|67-SCT I dated the 9th February, 1967 and also the informal discussion held in Secretary's room on 13th February, 1967 on the subject of modification of the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes and setting up a field organisation under the Department of Social Welfare, I, have already sent a note containing my views to the Secretary, Department of Social Welfare in my d.o. letter No. 4|5|67-Adm., dated the 13th February, 1967.

2. If, as the informal discussion held on 13th February, 1967 showed for sheer paucity of funds, the Department of Social Welfare finds no other alternative but to modify the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes and with the resultant saving set up its own field organisation, I have to accept the position most reluctantly but I would urge that action may be taken on the following lines:

(a) The Commissioner should not be completely deprived of the Regional Organisation. There should be a nucleus Regional Organisation so that it can be expanded later on, when funds position would be better. In the informal discussion, Secretary also agreed that the ideal thing would be for the Department of Social Welfare to have its own adequate field organisation and the Commissioner for Scheduled Castes and Scheduled Tribes to have his own adequate field organisation.

(b) Apart from what has been stated at (a), in view of the special responsibility arising out of the constitutional safeguards, particularly for the tribal population and in view of the fact that tribal areas are isolated and not easily accessible, the Commissioner should have Regional Offices at suitable Central places.

From this point of view, the minimum that would be required is indicated below:

Regional Office to be located at	*To look after areas*
1. Assam.	Assam, Manipur, Nagaland and Tripura.
2. Calcutta.	Bihar, West Bengal, and Orissa and Andaman and Nicobar Islands.
3. Bhopal.	Madhya Pradesh, Maharashtra, Gujarat, Goa, Daman & Diu.
4. Bangalore.	Andhra Pradesh, Madras, Mysore, Kerala, Laccadives, Pondicherry.
5. Delhi.	Rajasthan, UP, Delhi, Punjab, Haryana, J&K.
	He will also be given odd jobs the Commissioner as he will be attached to the office of the Commissioner.

In addition to the usual office staff sanctioned for a full fledged Regional Office, viz., Office Superintendent 1, UDC-1, LDC-1, Steno-typist-1, Research Officer-1, Investigators-2, Peons-2 and Farash-1, this Regional Office should be given two or three additional investigators preferably conversant with the regional languages concerned in view of the bigger area covered in their jurisdiction and one steno-typist to work with Research Officers.

(c) Suitable instructions should be issued that whenever Commissioner goes out on tour, the Zonal Director and his Dy. Director concerned should be available to the Commissioner for discussion and also, if necessary, accompany him on tour. If owing to urgent pre-occupations, the Zonal Director is not in a position to accompany the Commissioned on tour, the Dy. Director concerned should be available for accompanying him on tour in any case. Similarly when a Dy. Commissioner from Headquarter of the Commissioner goes out on tour, the Zonal Director concerned should as a rule be available for discussion and the Dy. Director onccerned should, as a rule, accompany him on tour.

(d) In order to ensure equitable promotional prospects for all concerned, the Dy. Directors and the above mentioned 5 Regional Dy. Commissioners should either be placed on a common seniority list or there should be a proportionate division of promotional posts available to each group.

(e) Certain posts have not been specifically mentioned in the proposal of the Department of Social Welfare so far as the Headquarter Office of the Commissioner are concerned. These are staff to deal with Cash Receipt and Despatch work in the office. Steno-typists and daftries will also have to be given to the Research Units. The details of the staff which should be included and which have not been included in the proposal are:

LDC	—	—	9.
Clerk i/c R& I	—	—	1.
Cashier (Asstt.)	—	—	1.
Steno-typists.	—	—	5 for 5ROs.
Daftries.	—	—	6 (5 for Research Units, one for Cashier)
Peons.	—	—	4 (One for Cashier, 3 for R & I including outdoor work).

Since an organisation and system of work developed over the last 2 decades is being modified, the new scheme should be on an experimental basis for a year and each side should be free to reopen the matter, if necessary.

(Sd.) S. C. SEN GUPTA,
Commissioner for Scheduled Castes & Scheduled Tribes,
15-2-1967.

APPENDIX VII

(*Vide* para 2.15 of Report)

Summary record of discussion on the reorganisation of the Commissioner's organisation, held on 13-4-1967

PRESENT

Shri Ashok Mehta, Minister.

Dr. Phulrenu Guha, Minister of State.

Shri Sen Gupta, Commissioner for Scheduled Castes and Scheduled Tribes.

Shri Nakul Sen, Secretary.

Shri M. Ramakrishnayya, Joint Secretary.

Shri N. Sundaram, Director.

Shri Vimal Chandra, Deputy Commissioner.

1. Secretary observed that there was general agreement on the following points:

(a) The Commissioner should be responsible only for the fulfilment of his obligations under the Constitution.

(b) Development functions, which were hitherto entrusted to the Commissioner, should be withdrawn and entrusted to a Departmental organisation under a Director-General for Backward Classes Welfare (and *ex-officio* Joint Secretary).

(c) Consistently with the reduction in functions and responsibilities, the establishment of the Commissioner should be reduced.

2. While confirming his agreement with the principles enunciated by the Secretary, the Commissioner stressed his need for an independent field organisation consisting of at least five regional offices. The Commissioner felt that his position under the Constitution was such that he must have, and must, in the public eye, appear to have, an independent source of information and mechanism

for investigation of complaints. Citing an example, he said that no machinery other than his own could possibly deal with complaints directed against the State and Central Governments, and deviation in policy at the political levels.

3. Minister agreed on the need for the Commissioner to be kept continuously informed, but a variety of sources and agencies could be utilised for this purpose—the Programme Evaluation Organisation, the departmental officers, voluntary agencies, Research Institutes and Universities. It would not also be difficult to provide the Commissioner with specific funds which he could use to finance special studies by agencies of his own choice.

4. The Minister further observed that by insisting on a large field organisation of his own, the Commissioner would be bogged down with the routine duties of a head of department, and would also get unduly involved in petty enquiries. This would blunt his edge as an evaluator, and would detract from his main role, which is not to get involved with the executive and its ramifications, but to sit in judgement over the efficacy of policies and the manner in which the executive functions. Question requiring personal investigation by the Commissioner would be few and far between; even in a case like Bastar, the Commissioner would be expected to go beyond the normal channels of investigation and ascertain sociological, psychological and political motivations leading to the crisis for this, a standing field organisation would be ineffective and unnecessary. Citing another instance, drought relief measures in tribal areas of Bihar, the Minister said that there the main focus of the Commissioner's enquiry should be on ascertaining whether tribals are receiving their fair share of relief and of food.

5. The Commissioner suggested that the financial difficulty about creating a separate departmental organisation could be overcome by charging his organisation (including five regional offices) to the non-plan budget as hitherto, while the Director-General's establishment could be charged to the Plan. The Minister disagreed with this view, and made it clear that the present economic situation in the country cannot permit of any large increase in expenditure on establishment; in this context, the nominal budgetary distinction between plan and non-plan has no significance.

6. The Minister indicated firmly that the solution to the questions under discussion lay clearly in the direction of reducing the Commissioner's field organisation to the minimum that could be accommodated within available funds. The Second alternative proposal

which involves an extra expenditure of Rs. 1.87 lakhs appeared suitable from all points of view. But if for any reason extra funds are not available immediately the third alternative which can be managed within the existing provisions should be adopted immediately as re-organisation is urgent. The extra staff envisaged in the second alternative could be allowed later on in due course when more funds become available.

The abstract of expenditure involved in the three alternatives, as furnished to the Commissioner for Scheduled Castes and Scheduled Tribes by the Department of Social Welfare with D.O. letter No. 3|3|67-SCT-I dated 3rd April, 1967, are given in the Annexure.

7. Finally, the Minister reassured the Commissioner that he would be enabled to make full use of the new organisation that is being set up and the department will give him all the necessary co-operation and help. The Minister further advised that the Commissioner's value would be enhanced if he could furnish apart from periodic reports some *ad hoc* reports on important events affecting the Scheduled Castes and Scheduled Tribes from time to time.

ANNEXURE

(*Vide* para 6 of Appendix VII)

ALTERNATIVE I

ABSTRACT

Cost of D.G's Office . . .	1,44,700×1=1,44,700	
Cost of Zonal Directors . . .	57,800×5=2,89,000	
Cost of Deputy Directors . .	43, 800×9=3,94,200	
TOTAL DIRECTOR GENERAL'S ORGANISATION		8,27,900
Cost of Commissioner's Office with five Regional Offices :		
Headquarters Office . . .	4,67,600	
Cost of 5 Regional Offices	79,200×5=3,96,000	
TOTAL	8,63,600	8,63,600
GRAND TOTAL		16,91,500
Budget allotment for 1967-68		12,77,800
ADDITIONAL AMOUNT REQUIRED		4,13,700

ALTERNATIVE—II

ABSTRACT

Cost of D.G's Office	1,44,700 × 1 =	1,44,700
Cost of Zonal Directors . .	57,800 × 5 =	2,89,000
Cost of Dy. Directors . .	43,800 × 9 =	3,94,200
TOTAL DIRECTOR GENERAL'S ORGANISATION:		8,27,900
Cost of Commissioner's Office with three Zonal Offices:		
Headquarters' Office . .	4,00,000	
Three Regional Offices 79,200 × 3 .	2,37,600	
TOTAL . .	6,37,600	6,37,600
GRAND TOTAL		14,65,500
Budget allotment for 1967-68		12,77,800
ADDITIONAL AMOUNT REQUIRED		1,87,700

ALTERNATIVE—III

ABSTRACT

Cost of D.G's Office . . .	1,44,700 × 1 =	1,44,700
Cost of Zonal Directors	57,800 × 5 =	2,89,000
Cost of Dy. Directors .	43,800 × 9 =	3,94,200
TOTAL DIRECTOR GENERAL'S ORGANISATION:		8,27,900
Cost of Commissioner's Office		3,97,300
TOTAL .		12,25,200
Budget allotment for 1967-68 without any regional Office . . .		12,77,800
SAVINGS .		52,600

APPENDIX VIII

(*Vide* para 2.16 of Report)

No. 4|6|67-SCT.(I)

GOVERNMENT OF INDIA

DEPARTMENT OF SOCIAL WELFARE

New Delhi, the 3rd June, 1967.

To

The Director,
Backward Classes Welfare,
Department of Social Welfare,
New Delhi.

SUBJECT: *Reorganisation of the set-up of the office of the Director, Backward Classes Welfare.*

Sir,

I am directed to say that the question of having a proper machinery for formulating welfare schemes for the Scheduled Castes and Scheduled Tribes and for watching the progress of their implementation in the States has been engaging the attention of the Government of India for some time past. This work has hitherto been entrusted to the Commissioner, Scheduled Castes and Scheduled Tribes but the arrangement has not worked satisfactorily for various reasons.

2. After careful consideration, it has been decided that the Commissioner should be relieved of the functions of formulating schemes for the Welfare of backward classes, watching the progress of implementation and maintaining the necessary liaison with the States, and a separate organisation set up under the administrative Department for the performance of these functions. A copy of the letter issued to the Commissioner, Scheduled Castes and Scheduled Tribes in this connection is enclosed for information.

3. The new organisation will be as shown in the enclosed chart.

4. The order re-designating the post of Director as Director General has been issued separately.

5. The Director General's organisation will be responsible for (a) the formulation of the backward classes programmes, (b) maintenance of liaison with the States, (c) watching the progress of implementation, chasing of schemes in the field, (d) removal of bottlenecks, (e) a critical assessment at periodic intervals with a view to effect improvements, and (f) any other function the Government may entrust in regard to Backward Classes Welfare.

6. As explained in paragraph 4 of the letter to the Commissioner referred to in para 2 above, the Director General will ensure that his Organisation extends all assistance and co-operation to the Commissioner for Scheduled Castes and Scheduled Tribes and in particular on the following matters:—

(i) to supply whatever data or information the Commissioner may call for, and undertake enquiries on specific issues referred to them by the Commissioner.

(ii) the Zonal Directors or the Deputy Directors will accompany the Commissioner on tour, so that the Commissioner could made personal local studies of conditions purposefully and without loss of time; and

(iii) the Commissioner will be requested to give his annual remarks in writing on the work of Zonal Directors and the Deputy Directors for incorporation in the C.Rs.

7. The following detailed instructions are issued about the staffing etc. of the new organisation:—

Headquarters:—In addition to the present research and personal staff, the Director General will be given a Secretariat Section, with the following staff to enable him to supervise the regional organisation. The manner in which the additional posts will be made available to the Director General is indicated against each post:—

Section Officer : (C.S.T.	1.	The post with the incumbent will be transferred from the Office of the Commissioner for Scheduled Castes and Scheduled Tribes.

Assistants (C S S)	4	The post will be created.
U D Cs. (CSCS Gr. I)	2	Do.
L.D.Cs. (CSCS Gr. II)	2	Do.
Daftry (Class IV)	1	Do.
Peon (Class IV)	1	Do.

Action as contemplated above is being taken up by the Department separately.

Regional Organisation: The regional organisation of the Director General will be treated as a subordinate office of the Department. and will be provided with the staff as described below. The manner in which the posts will be filled in indicated against each post:—

(1) Zonal Directors (1100-1800) (one each for 5 zones with headquarters at Ranchi, Baroda, Chandigarh, Bhopal and Madras).	5. The posts will be created.
(2) Deputy Directors (700—1250)	9. The posts of Deputy Commissioner for Scheduled Castes and Scheduled Tribes alongwith their incumbents will be transferred from the Control of the Commissioner for Scheduled Castes and Scheduled Tribes and these posts will be then redesignated as Deputy Director.
(3) Research Officers (400—900)	9. Four posts with their incumbents will be transferred from the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes and five posts will be created.
(4) Stenographers (210—425)	5. The posts will be created.
(5) Superintendents (350—475)	5 The posts with their incumbents will be transferred from the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes.
(6) Investigator (210—425)	9 Do.
(7) Upper Division Clerks (130—300)	5 Do.
(8) Steno-typists (110—180 × 20)	9 Do.
(9) Lower Division Clerks (110—180)	14 Do.

(10) Daftries (75—95)	5	The posts will be created.
(11) Peons (70—85)	19	All posts with their incumbents will be transferred from the organisation of Commissioner for Scheduled Castes and Scheduled Tribes.
(12) Chowkidar-*cum*-Farrash (70—85)	5	Do.

8. The organisation as indicated in the preceding paragraphs will be completed in stages. With effect from the 15th June, 1967, the complete regional organisation of the Commissioner for Scheduled Castes and Scheduled Tribes except for two posts of Investigators, will stand transferred to the organisation of the Director General.

9. The Additional expenditure involved will be met by re-appropriation from the budget provision sanctioned for the regional offices of the Deputy Commissioner for Scheduled Castes and Scheduled Tribes.

The receipt of this Communication may kindly be acknowledged.

Yours faithfully,

(Sd.) MIR NASRULLAH,

Deputy Secretary to the Government of India.

No. 4|6|67-SCTI(i), New Delhi, dated the 3rd June, 1967.

Copy forwarded to:—

(1) The Accountant General, Central Revenues, New Delhi.

(2) The Commissioner for Scheduled Castes and Scheduled Tribes, New Delhi.

(3) All the Accountants General concerned.

(4) The Estt. Section|Cash and Budget Section.

(Sd.) MIR NASRULLAH,

Deputy Secretary to the Government of India

APPENDIX IX

(*Vide* para 2.16 of Report)

Copy of Government of India, Department of Social Welfare letter No. 2|7|67-SCT.I(i), dated the 3rd June, 1967, addressed to the Commissioner for Scheduled Castes and Scheduled Tribes, Department of Social Welfare, New Delhi, the copy endorsed to (i) the Accountant General, Central Revenues, New Delhi, with one spare copy (ii) the Accountant General, Assam, Nagaland|West Bengal|Bihar|Uttar Pradesh|Punjab and Haryana|Rajasthan|Gujarat|Madhyra Pradesh|Mysore|Andhra Pradesh|Madras|Kerala|Maharashtra|Orissa (iii) Director, Backward Classes Welfare, New Delhi (iv) Ministry of Finance (SW Cell) (v) Establishment Section, Department of Social Welfare.

SUBJECT: *Reorganisation of the set up of the office of the Commissioner for Scheduled Castes and Scheduled Tribes.*

Sir,

I am directed to state that Government have been considering for some time past the question of streamlining the field organisation of the Deputy Commissioners and of making a rational adjustment of the roles of the Commissioner for Scheduled Castes and Scheduled Tribes on the one hand and the Director, Backward Classes Welfare, on the other. The question has arisen because of the need for proper co-ordination, formulation and better implementation of the various schemes for the welfare of Backward Classes.

2. In 1957 it was thought that the developmental functions also could be conveniently entrusted to the Commissioner for Scheduled Castes and Scheduled Tribes in addition to his specific duties under the Constitution. It was decided to try out the arrangement. Accordingly, the Commissioner's organisation was strengthened by stages by providing more and more field officers. In 1963, however, Government found it necessary to create a post of Director, Backward Classes Welfare in the administrative Department with a view to establish closer contacts with the State Governments and watch the progress of the implementation of various schemes in the field.

No separate field organisation was placed under him as it was envisaged that the services of the Deputy Commissioners would be available to him fully whenever necessary. But this arrangement came increasingly under strain with greater emphasis being laid on development approach rather than on that of safeguards. The rapid multiplication of schemes and programmes, and the consequent need for closer attention to formulation and implementation have made it difficult and inconvenient to continue the informal combination of disparate functions in the Commissioner and his field organisation. The developmental functions require that the Commissioner should function as a part of the Government and advise Government on various schemes and his field organisation should reflect the Government's thinking at all times; on the other hand the functions under the Constitution imply a Special status for the Commissioner as of the Government more or less in the nature of quit. It is obviously difficult for these two functions to be combined in one persons or one organisation. It is equally obvious that the administrative department which is directly responsible for formulating various schemes of development and ensuring their implementation through State Governments and otherwise must have at its command an adequate organisation for the purpose. These difficulties are likely to be accentuated in the Fourth Plan period and may stand in the way of satisfactory implementation of Plan programmes. So it has become necessary and urgent to rationalise and streamline the existing arrangements.

3. This mater was discussed at several meetings with the Commissioner. It was finally agreed that the combination of Constitutional and developmental functions in the Commissioner should be done away with as impracticable and that the Commissioner should concentrate on the functions laid down in the Constitution. Briefly speaking, these functions are to investigate and report on the working of the safeguards provided in the Constitution for the Scheduled Castes and Scheduled Tribes. The work mainly comprises the receipt of complaints, inquiry into them, collection of information for the Report, evaluation of the data, received, and finally the preparation of the Report itself. It is the clear duty of the Central and State Governments to supply all the necessary data and information. The main work of the Commissioner is to evaluate them critically. For this type of work, it does not appear necessary to maintain a field organisation with senior officers located at different places in the country with separate offices at their own. Even when it becomes necessary to hold local inquiries or spot verifications, which in their nature have to be on a selective basis, they could be

arranged more effectively through special teams that could move out of Headquarters at short notice or according to a carefully drawn up programme. Besides the Commissioner could call upon a variety of sources and agencies such as the Programme Evaluation Organisation, Research Institutes, and Universities and voluntary agencies for organising special studies on selected problem of importance. Under such an arrangement the Commissioner would be free from the routine duties of a head of department that a large field organisation imposes inevitably. It is hoped that this would enable him to sharpen his main role, which is to assess the efficacy of the policies and the manner in which the executive functions. Therefore, it has been decided that the Commissioner should have a strong organisation at the headquarters with the necessary facilities to make effective assessment of Government policies and programmes, particularly the safeguards. Details are given below:

4. For the performance of the developmental functions, it has been decided to strengthen the present office of Director, Backward Classes Welfare by re-designating as Director General, Backward Classes Welfare and placing under him a network of 5 Zonal Directors and 9 Deputy Directors. Their locations and jurisdictions will be separately intimated. The Director General will render all possible assistance to the Commissioner for Scheduled Castes and Scheduled Tribes. Detailed instructions will be issued on the following points:—

(i) The Director General's organisation will supply such data or information and undertake enquiries as the Commissioner may require;

(ii) The Zonal Directors or the Deputy Directors will accompany the Commissioner on his tours in their areas so that the Commissioner can make personal local studies of conditions purposefully and without loss of time;

(iii) The Director General will obtain the annual remarks of the Commissioner on the work of Zonal Directors and the Deputy Directors and incorporate them in the C.Rs.

5. The revised set up of the Commissioner's office will be as in the enclosed chart. This organisation set up has been worked out in the context of the present financial stringency. However, if after working of these arrangements for a reasonable period of time, they are found to be inadequate, and if it is felt that the Commissioner should have some field support in some sensitive areas, the matter will be re-examined.

6. The lines on which the organisation of the Commissioner is to be re-organised are indicated below:—

I—Headquarters:

(i) *Creation of additional post of Deputy Commissioners*

An additional post of Deputy Commissioner in the scale of Rs. 1100—1800 with one post each of stenographer (CSSS) and Peon (Class IV) will be created.

(ii) *Creation of Research Units*

Four Research Units and one Service Unit, with the following staff in each Unit will be created:

	Rs.
(a) *Each Research Unit*	
Research Officer	(400—900)—1.
Investigators	(210—425)—2.
Steno-typist	(110—180+20)—1.
L.D.C.	(110—180)—1.
*Daftry/Peon	(75—95/ or 75—85)—1.
(b) *Service Unit*	
Section Officer	1.
Assistants (CSS)	2.
Steno-typist	1.
L.D.C.	1.
Daftry	1.

(iii) *Abolition of Research and Development Sections*

The present Research and Development Sections will be abolished. The staff strength of other Sections will be as under:

Administration and Cash Section	
Section Officer	1.
**Assistants (Ex-Cadre)	5.
U.D.C.	1.
L.D.Cs.	3.
Daftry	1.
Peons	2.
Sweeper	1.
Farash	1.
Driver	1.

*Two Daftries and two Peons for four Research Units.

**Included one Hindi Assistant.

R & I Section

L.D.Cs.	7.
Peons	2.

Record Cell

Assistant(Ex-cadre) . .	1.
L.D.C.	1.

(iv) The following posts will continue as before:

(a) The present post of Deputy Commissioner with one Stenographer and one peon.

(b) The present post of A.C. with one Steno-typist and one Peon. The post of A.O. is to be redesignated as Secretary to Commissioner.

(c) The present personal staff of the Commissioner, *viz.* one P.S., one P.A., one L.D.C., and one Jamadar.

II. Regional Organisation

All Officers and staff of the seventeen regional offices, except two posts of Investigator, will be transferred to the Director, General Backward Classes Welfare.

These arrangements are to be brought into effect from the 15th June, 1967. The proposals envisage:—

(a) Creation of the following posts:—

(i) One additional post of Deputy Commissioner on the scale of Rs. 1100—1800;

(ii) Two posts of Research Officers;

(iii) One post of Stenographer for the Deputy Commissioner;

(iv) Two posts of Steno-typists;

(v) One post of L.D.C.; and

(vi) One post of peon.

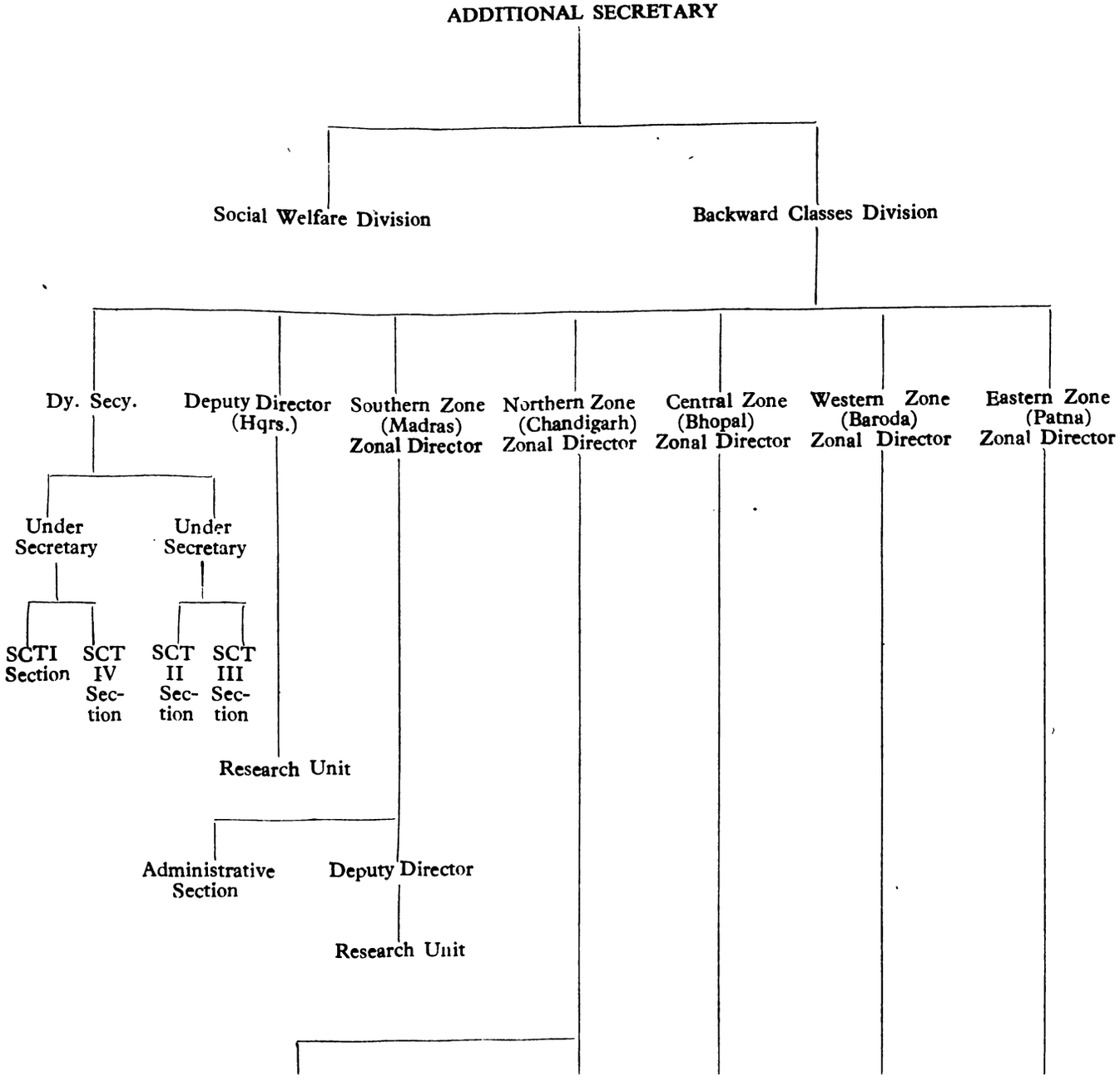
(b) Surrender of one post of Section Officer to the Department of Social Welfare.

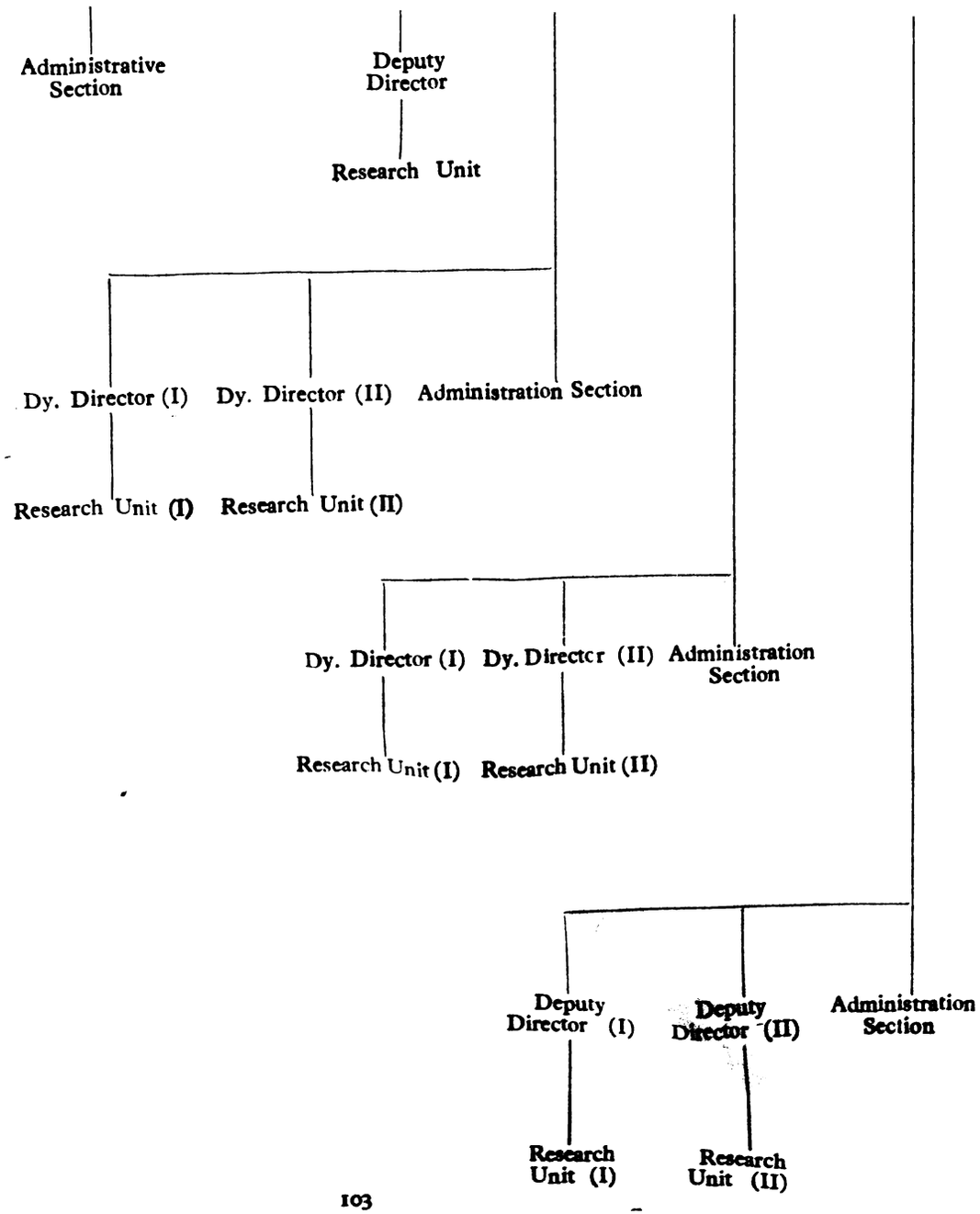
(c) Transfer to two posts of Investigators from the Regional Offices to your Headquarters.

APPENDIX X

(*Vide* Para 2·17 of Report)

Administrative Set up in the Department of Social Welfare (Including Director General's Organisation) to look after the Interests of the Scheduled Castes & Scheduled Tribes




Administrative Section
Deputy Director
Research Unit
Dy. Director (I)
Dy. Director (II)
Administration Section
Research Unit (I)
Research Unit (II)
Dy. Director (I)
Dy. Director (II)
Administration Section
Research Unit (I)
Research Unit (II)
Deputy Director (I)
Deputy Director (II)
Administration Section
Research Unit (I)
Research Unit (II)

8. Action is being taken by the Department for the creation of the following posts:—

(i)	Deputy Commissioner	1.
(ii)	Research Officers	2.
(iii)	Stenographer	1.

9. The Commissioner may kindly sanction the creation of the following posts under his own powers:—

(i)	Steno-typists	2.
(ii)	LDC	1.
(iii)	Peon	1.

10. The posts of Investigators which are to be transferred to the Commissioner's Organisation may please be indicated, so that necessary sanction can be issued.

11. The receipt of this communication may kindly be acknowledged.

APPENDIX XI

(*Vide* para 2.25 of Report)

Extract (Part V) of the "Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Scheduled Tribes Connected Document, 1969

NEED FOR REORGANISATION OF THE PRESENT SET UP OF THE OFFICE OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

The Commmissioner's Office was created in November, 1950 as per the provisions of Article 338 of the Constitution. Initially he was given the status of a Secretary of a Ministry of the Government of India. The first Commissioner raised the question of his independent status from the very beginning and it was decided by the Government of India that the status of his office was to be the same as that of any other statutory office (as categorically stated in the Commissioner's second report for the year 1952). He was also declared "Head of a Department." He was, however, attached to a Ministry for the purpose of Parliamentary work only. But this position appears to have continued only up to the year 1956-1957. A perusal of the Commissioner's annual reports since 1957-58 reveals a reversal of the Government's earlier decision regarding the status of the Commissioner. In his 1958-59 Report, the Commissioner mentions the recommendations of the Study Team on Welfare of Backward Classes (1959) as well as of the Estimates Committee (2nd Lok Sabha, 48th Report, 1958-59) for according an independent status to the Commissioner's Organisation. The Estimates Committee was particularly critical about the assignment of non-statutory functions to the Commissioner's Office. The first Commissioner maintained up to his last reporting year i.e. 1960-61, that it was desirable to attach 'adequate statutory defined powers' to the post.

That the Government was undermining his position was further confirmed by the Commissioner's disclosures that on the one hand he was gradually being saddled with non-statutory functions which were later given the respectable caption of 'Developmental functions', on the other, his organisation was included from certain Coordinating Committees, and he was not being associated with the policy decisions taken by the Government with regard to the welfare of Scheduled Castes and Tribes.

The question of the status of the Commissioner was raised time and again in the Parliament also and the Ministry concerned went to the extent of asserting that the Commissioner was administratively under his Ministry and that he was just an officer of his Ministry.

It is suprising that in spite of the Commissioner's recorded stand up to the end of 1961, it was stated in a Ministry of Home Affairs O.M. dated the 19th February, 1960 that "the Government have obtained the views of the Commissioner on this recommendation (by the Estimates Committee) and reviewed the whole position. They find that the Constitution does not contemplate giving the Commissioner for Scheduled Castes and Scheduled Tribes an independent status like that of the U.P.S.C. or the Election Commission". The Government also strongly justified the assignment of non-statutory functions of the Commissioner in respect of which he was made directly subordinate to the Ministry concerned (*vide* 137th Report of the Estimates Committee—2nd Lok Sabha, pp. 50-51).

Thus the Commissioner's organisation was gradually being reduced to the position of a subordinate office of the Government of India with the result that he became powerless not only in respect of the various State Governments but even with the various Departments|Offices of the Central Government. He has been powerless even to collect the basis and requisite data for his assessment in fulfilment of his constitutional duties. His annual reports are a record of his bewailings and beseachings year after year.

In the context of such a background, the Government's further action in the shape of the 1967 reorganisation of the Commissioner's office was thoroughly unjustified and even contrary to the basic intentions of the Constitution matters. Even though it was stated in the Departmental note on the scheme of the 1967 reorganisation that the mater was discussed with the Commissioner and he agreed to the new scheme it is abundantly clear from a note circulated by the concerned Commissioner at the time of reorganisation that he was definitely opposed to the Government's scheme of reorganisation. He quoted that Law Ministry's views expressed as far bach as 1951 in support of his sound idea about the Commissioner's organisation—that it is necessary from the constitutional point of view that the Commissioner should have his own staff to ascertain fact relating to the working of the safeguards provided in the Constitution. The Commissioner disclosed that even

under the scheme evolved in 1956-57, the replacement of the Commissioner's field organisation by that under the administrative Ministry was never contemplated. A compromise solution was worked out for smooth functioning of the two organisations, but the scheme actually did not work. It was obvious that the combination of the constitutional duties of the Commissioner with developmental functions was incomplatible. Abolition of the field organisation under the Commissioner and utilisation of the saving for setting up a field organisation under the Department of Social Welfare was however, not the correct solution. The important question is whether the Commissioner can effectively and adequately attend to the duties entrusted to him under Article 338 of the Constitution without a field organisation.

India is a vast country comprising a large number of States and Union Territories spread over an area of over 3 million sq. kms. The population of the Scheduled Castes and Tribes, whose, safeguards are required to be watched by the Commissioner, is well over 10 crores, and the problems of these communities created by social injustice, isolation and exploitation are numerous and most complicated. The areas inhabited, particularly by the Scheduled Tribes are not easily accessible. Apart from the general problems created by the vastness of the country and the number of people involved, it is to be emphasised that each State has its own peculiar problems, and most of the complaints and grievances are naturally written in the local reglional language. Hence the necessity of the local representative of the Commissioner in each State.

Moreover, the Commissioner has to look into the working of the policies not only of the Central Government but also of the State Governments and to form his opinion about impact produced by these policies. For this purpose, a Regional Organisation located within the State is indispensable. With the abolition of the regional organisation under the Commissioner and its replacement by a regional organisation under the Department of Social Welfare, the zonal organisation has, *ipso facto*, been precluded from looking into the schemes and policies of the State Government within the field of welfare of backward classes because it is confined to only the centrally sponsored schemes and projects. Thus an important field (of work for the Commissioner) has been left uncovered under the present set up. This cannot obviously be covered adequately by sending out officers on tour from the Headquarters Organisation of the Commissioner to different parts of the country.

Further, while under protection of the Constitution, the critical approach by the Commissioner and his local representative is accepted and not presented by the State Government, the same cannot apply to the field organisation under the Department of Social Welfare.

Lastly, while the Commissioner's organisation is not the proper medium for carrying out an evaluation on behalf of the administration Ministry, it is nonetheless to make its own evaluation from its own point of view and for its own purposes. The Commissioner has to collect the relevant data, study them and make his own assessment and evaluation. Hence the Commissioner must be his own organisation, as classified by the Law Ministry.

The Department of Social Welfare argues that the Commissioner can always call upon the Director General's organisation to collect the data required or even to make enquiries on specific complaints or issues. But the Commissioner's constitutional duties involve criticising the policies and actions of the Government, both Central and States, and for this reason alone, if not for any other, it is necessary that he should have his own Organisation to check up the data obtained from various sources rather than exclusively depend on data supplied by Central and State Government agencies.

About the duties and ways of functioning of the Commissioner's organisation as stated in the Department of Social Welfare's note on the 1967 reorganisation scheme, the fact is that the position has been over-simplified to the extent of even distortion. The field organisation of the Commissioner actually associated themselves with the socio-economic problems of the Scheduled Castes and Tribes. The fact that an officer designated as Deputy Commissioner for Scheduled Castes and Scheduled Tribes, available within the State, could be approached with complaints, grievances or could give useful information because well-known over the years not only to Scheduled Castes and Tribes but also to voluntary organisations, M.Ps. and Members of State Legislatures. Abolition of the entire organisation all of a sudden has visibly created a vacuum with its repurcussions on public opinion. The Deputy Commissioners functioned very usefully for solving the local problems of Scheduled Castes and Tribes. In many cases they acted very effectively in securing redressal of grievances. They were no longer mere information collecting agencies. They were actively involved in the socio-economic problems of the Scheduled Castes and Tribes which the Constitutional provisions have sought to solve. It may not be a shear stretch of imagination that the occurrence of a large number of atrocities on the Scheduled

Castes particularly in various parts of the country over the last one year or so was possible even without definite and detailed information in the absence of the field representatives of the Commissioner.

The Constitutional responsibility of the Commissioner has made it necessary that he should have a field organisation spread all over the country so that there may be a machinery for receipt of complaints and grievances and looking into them and for making on-the-spot enquiries where necessary, as also for maintaining contacts with the Scheduled Castes and Tribes with a view to explaining to them the measures introduced for their welfare and also for findng out from them how far the measures have fulfilled their expectations.

These objectives cannot be effectively achieved by limiting the Commissioner's organisation to a Headquarters Organisation at Delhi. He must have his eyes and ears in the shape of the Regional Representatives.

We, therefore, strongly recommend that the Commissioner's organisation must not only be given a really independent status with clearly defined and codified powers, responsibilities and jurisdiction of actions, but his field organisation as existing before the 1967 reorganisation must also be immediately restored, further strengthened and systematised.

APPENDIX XII

(*Vide* para 3.5 of Report)

No. 42|4|68-SCT. IV

GOVERNMENT OF INDIA

DEPARTMENT OF SOCIAL WELFARE

New Delhi-1, the 28th June, 1969.
7 Ashadha, 1890.

To

All the Zonal Directors for
Backward Classes Welfare,
Madras|Baroda|Patna|Chandigarh|Bhopal.

SUBJECT: *Jurisdiction of the Zonal Directors of Backward Classes Welfare.*

Sir,

In supersession of all previous orders on the subject, I am directed to state that the jurisdiction of the five Zonal Directors of Backward Classes Welfare, will, with effect from the 1st July, 1968, be as follows:

Name of Zone	Headquarters	Jurisdiction
Southern Zone	Madras	Mysore, Madras, Kerala, Andhra Pradesh & the Union Territories of Pondicherry and the L.M & A. Islands.
Northern Zone	Chandigarh	Punjab, Haryana, Jammu and Kashmir and the Union Territories of Himachal Pradesh and Chandigarh.

Name of Zone	Headquarters	Jurisdiction
Central Zone	Bhopal	Madhya Pradesh and Uttar Pradesh.
Western Zone	Baroda	Rajasthan, Gujarat, Maharashtra and the Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli.
Eastern Zone	Patna	Bihar, West Bengal, Orissa, Assam, Nagaland and the Union Territories of Manipur, Tripura and the A.N. Islands.

2. The Union Territory of Delhi will be looked after by the Deputy Director (H. Qrs.), Backward Classes Welfare in the Department of Social Welfare.

Yours faithfully,
(Sd.) M. P. RODRIGUES,
Under Secretary to the Government of India.

Copy forwarded for information to:

1. State Governments|Union Territories.

2. Director of Social Welfare, Delhi Administration, 7 Lancers Road, Civil Lines, Delhi.

3. Commissioner for Scheduled Castes and Tribes, Rama Krishna Puram, New Delhi.

4. The Accountant General, Bihar|Ranchi|Gujarat, Ahmedabad| Punjab & Haryana, Simla|Madras|Madhya Pradesh, Gwalior.

5. SCT. I, II, III Sections.

6. Research Unit.

7. Guard File.

(Sd.) M. P. RODRIGUES,
Under Secretary to the Government of India.

APPENDIX XIII

(*Vide* para 3.16 of Report)

No. 2|1|69 (M)

GOVERNMENT OF INDIA

DEPARTMENT OF SOCIAL WELFARE

OFFICE OF THE ZONAL DIRECTOR, BACKWARD CLASSES WELFARE

(WESTERN ZONE)

629, Yashkamal Building,
Lokmanya Tilak Road,
Baroda-5.
8D *February*, 1969

To

The Director-General,
Backward Classes Welfare
Government of India,
New Delhi.

SUB: *Report from the Zonal Director, Backward Classes Welfare (Western Zone), Baroda for the month of January* 1969.

Sir,

I have the honour to forward herewith a report on my tours and other important matters that have come to my notice during the month of January 1969. The relevant parts of this report are being forwarded to the State Governments concerned for necessary action. A further communication will follow on hearing from them about the action taken by them on the observations and suggestions contained in this report.

Yours faithfully,
(Sd.) K. K. LEUVA,
Zonal Director.

No. 2|1|69 24 February 1969

Copy with a copy of the report under reference forwarded for information and necessary action to:

(i) The Commissioner for Scheduled Castes and Scheduled Tribes, Govt. of India, New Delhi (for information only)

(ii) The Secretary to the Govt. of Maharashtra, Education and Social Welfare Department, Bombay.

(iii) The Secretary to the Govt. of Gujarat, Education and Labour Department, Ahmedabad.

(iv) The Secretary (Revenue), Govt. of Goa, Daman & Diu, Panaji.

(v) The Director of Social Welfare, Maharashtra, Poona.

(vi) The Director of Social Welfare (B.C. Wing), Ahmedabad.

(vii) The Collector of Goa (Director of Social Welfare), Panaji.

(Sd.) K. K. LEUVA,
Zonal Director.

GUJARAT

The scheme of post-matric scholarships

There has not been much improvement in the implementation of the scheme of post-matric scholarship during the year 1968-69. It is learnt from reliable sources that Scheduled Caste and Scheduled Tribe students in the faculties of Arts, Home Science and Law in the M.S. University of Baroda have not yet received the scholarships even though the academic year is about to come to a close. During my meeting with the Director of Social Welfare he stated that the delay usually took place due to incomplete information filled by the students in the application forms. This is quite likely but it should not take so much time for seeking clarifications either from the students or the post-matric institutions or both when the Directorate has already adopted the practice of deputing a team of officials to these at the commencement of the academic year to guide the eligible students about filling up of application forms. It is not understood as to why none of the students reading in the above Faculties has got the scholarship so far.

2. The Director of Social Welfare was requested to examine and study the revised procedure adopted by his counterpart in Maharashtra and to adopt the same for the effective implementation of the scheme. Pending that, it may once again be stressed that the scheme should be decentralised as has been done in other States. At least decentralisation should take place at the headquarters level of the six Universities located at Ahmedabad, Baroda, Surat, Vallabh Vidyanagar and Rajkot.

Tour in Kutch District

3. *Observance of untouchability*

Untouchability is still practised in many of the villages in Kutch District, though not in an intense form as reported to be prevalent in the past—thanks to the efforts of the Harijans Sevak Sangh (Kutch) and the State Government. It was represented to me by the Harijans that they were not allowed to use public places in many of the villages in Rapar Taluka. The matter was discussed with the Collector and the District Development Officer who were requested to intensify efforts for total elimination of the evil before the Gandhi Centenary celebrations came to an end. A specific case about the practice of untouchability by the Sarpanch of Gram Panchayat, Bhimasar, Taluka Rapar, was brought to my notice. The District Development Officer, has been requested to enquire into the complaint and take suitable action for rooting out the evil.

4. *Allotment of land for cultivation*

It was informed that in a number of villages in the district land was available which could be given to landless persons for cultivation. As per policy Scheduled Caste persons get preference in the matter of allotment of land over other landless persons. It was reported that in a number of cases the former have had to face the following difficulties:

(i) Claims of Scheduled Caste persons were being disregarded by the Revenue authorities in Land Kutcheries. Certain specific cases have already been brought to the notice of the Collector.

(ii) Lands which had been allotted were in actual possession of other persons and it was very difficult to evict them.

(iii) Suppose a Scheduled Caste person is allotted a land in which some other person is interested, the latter forcibly occupies the land and it becomes difficult for the original allottee to get possession of the same.

The matter was discussed with the Collector who promised to look into the matter. I was also informed by him that certain difficulties might arise in proper allotment due to incomplete land records which were being completed. It is suggested that the District Backward Class Welfare Officer should be more alert and should remain present in every session of the Land Kutcheri so that interests of the Scheduled Castes and Scheduled Tribes are fully safeguarded during distribution of land.

Welfare Schemes

5. *Housing Scheme, Ganeshnagar, Gandhidam.*

A cooperative housing society under PWR Scheme No. 219 was set up with a membership of 703 and it took up construction of 525 houses. Out of these 451 houses have been completed and the rest have not yet been taken up on account of non-availability of house sites and funds. The matter has been referred to the Registrar, Cooperative Societies, who is the implementing authority. The Director of Social Welfare also is being informed for necessary action from his end in the matter.

6. *Sundarpuri Harijan Cooperative Housing Society, Gandhidam.*

Harijans who had migrated from Sind have settled at this place in order to solve their housing problem a cooperative housing society has been organised by them. They are facing the problem of house sites because the entire area in Gandhidam is under the control of the Sindhu Resettlement Corporation. The matter was discussed with the Collector at Bhuj when Shri Ram Rakhiyani, Secretary of the Corporation, was also present. The Secretary agreed to give a sympathetic consideration to the demand for house sites for the Society and even promised to give some concessions in the cost of shares to be purchased by the Society for the plots of land required by it. The District Backward Classes Welfare Officer (State). Rajkot, who was present at the time of the discussion, has been requested to contract the members of the Society once again and formulate specific proposals on behalf of the Society for the purchase of house sites from the Sindhu Resettlement Corporation.

7. *Hostels.*

The following hostels are being run for the Scheduled Castes and Scheduled Tribes in the district:

Name of the hostel	Place	Agency Govt./No.-Official Organisation
(*i*) Shri Thakkar Bapa Vidyarthi Ashram	Anjar	Harijan Sevak Sangh
(*ii*) Sarvajanik Kumar Chhatralaya	Bhuj	Do.
(*iii*) Girls' Hostel .	Bhuj	Do.
(*iv*) Girls' Hostel .	Vallabhpur	Do.
(*v*) Shri Gandhi Harijan Ashram	Mandvi	Managing Committee
(*vi*) Boys' Hostel .	Malia	Government
(*vii*) Adivasi Ashram School	Lilpur	Bhimani Khadi Gramodyog Sangh

It was learnt that adequate number of Scheduled Caste and Scheduled Tribe students were not coming forward to take admission in some of the hostels run by the Harijan Sevak Sangh, particularly at Anjar, Bhuj and Vallabhpur. The district as a whole may be considered underdeveloped in comparison to other districts of Gujarat and the Scheduled Castes and Scheduled Tribes are very much backward in many respects. The condition of these people is so poor that students do not have even enough money to pay bus fares to come for admission in the hostels. The State Government are requested to make some relaxation in the rules for admission in the hostels so that that adequate number of students can be admitted against the approved strength in each hostel.

The Adiwasi Ashram School at Lilpur is working quite satisfactorily and is having a very good impact upon the tribals and Harijans in Rapar Taluka in the matter of spread of education among them.

8. *Problems of sweepers and scavengers in the district*

(1) Out of the six municipalities in the district the customary serviee of scavenging known as Gharki is prevalent in only one municipality, *viz.*, Mundra. The local scavengers seemed to be in favour of abolition of this practive provided that the municipality absorbed those scavengers who would be thrown out of the customary service.

(2) The municipality of Mundra has purchased 18 wheel-barrows which are not used by the scavengers as they are of old type and are very heavy. The municipality should supply improved type of wheel-barrows to the scavengers so that these can be operated conveniently.

(3) The municipality of Mandvi has not paid any compensation to the sweepers for the land situated in the vicinity of the town on which they had their houses. These houses have now been demolished and new quarters have been built for them for which the sweepers are required to pay house rent.

(4) The municipality of Bhuj has supplied wheel-barrows to its scavengers but surprisingly it charges some amount for their use. This amount is being recovered from their pay. The matter was discussed with the Collector who promised to take action and see that the employees were not charged for the use of the wheel-barrows which had been supplied to them by the Govt. under the Centrally Sponsored Scheme.

(5) Sweepers and scavengers are employed on work charge basis in many of the municipalities. They should be regular employees on the monthly pay roll.

9. *Development of certain underdeveloped pockets in the district.*

The Taluka Panchayat, Abdasa, in western Kutch strongly urged for more attention to be paid for development of this Taluka. It also pressed for expansion of the existing hostel for boys at Nalia and opening of a new hostel for backward classes at this place. The D.D.O. was also of the view that the Welfare Department should expand its activities in this part of the district which is very much backward in education and every other respect. The D.D.O. also pointed out that an Ashram School for backward classes was badly needed in this area and that if the Government considered this proposal a suitable building for the Ashram School would be readily available. These views have been conveyed to the Director of Social Welfare for necessary action.

MAHARASHTRA

During my visit to Bombay (January 18, 19 and 24, 1969) I met Shri Baburao Bharaskar, Minister for Social Welfare, officers at the Secretariat level, the Director of Social Welfare and a number of non-official workers

2. *Meeting of the State Advisory Board for Harijan Welfare*

The Government of Maharashtra had appointed a Sub-Committee of the State Advisory Board for Harijan Welfare for the revision of the rules for recognition of and payment of grants-in-aid to backward class hostels and compolitan hostels. A special meeting of the Board was held at Bombay on 18-1-1969 to discuss the revised rules. I attended the meeting and participated in the discussions.

3. *Harijan Girijan Samaj Mandal, Bhiwandi, Distt. Thana.*

During my stay at Bombay I paid a visit to the colleges and hostels run by this Mandal at Bhiwandi. The achievements of the Mandal in the field of Social service and particularly in the sphere of education are outstanding for which all credit goes to its devoted worker, Shri Pandurang D. Jadhav. Here is an organisation which deserves all encouragement from Government and Non-official agencies alike.

4. *Award of post-matric scholarships in Maharashtra*

The progress made in the scheme of post-matric scholarships was discussed in great detail with the Director of Social Welfare who also attended the meeting of the State Advisory Board for Harijan Welfare at Bombay. He informed me that the revised procedure had been adopted by the Directorate to eliminate delays in the award of scholarships as far as possible for which he had made special efforts. The Director had submitted certain proposal for creation of temporary posts, delegation of powers to the Assistant Director of Social Welfare (Education) to sanction the scholarships and countersign the bills and so on. These proposals were accepted by the Government quickly. Salient features of the revised procedure may be enumerated as below:

(i) The last date of receipt of applications from students reading in post-matric institutions was switched back from 31st July to 31st August.

(ii) Calling for applications for renewal cases was dropped.

(iii) The Assistant Director of Social Welfare (Education) was delegated powers for sanctioning scholarships and countersigning bills.

(iv) Deputation of staff to important headquarters for issue of sanctions on the spot.

With the adoption of this new procedure and with the help of additional staff it has been possible for the Directorate to make awards within a period of two months, *i.e.*, August and September 1969 to the extent of Rs. 98.97 lakhs covering 15,000 students. At any time in the past such a large number of students were never awarded scholarships before the end of September. Within the next month or two the number of awards arose to the extent of Rs. 1.33 crores covering 20,071 students. Claims of only about 15,00 students were pending upto December 1968 for want of certain clarifications from the college authorities concerned.

5. A constant watch will be kept by me to see whether the post-matric institutions co-operate with the Directorate by taking timely action in preparing bills and making actual payments to students promptly.

GOA

During my tour in Goa (January 20 to 23 1969) I met Shri A. K. S. Usgaonkar, Minister of State for Social Welfare, Shri Ranadive, Secretary (Revenue), Shri D. N. Barua, Collector of Goa who is also the Director of Social Welfare, and other important officers for the purpose of review of the progress of welfare schemes during 1968-69 and formulation of welfare schemes for 1969-70 on the basis of the discussions held on the Annual Plan and the Fourth Five Year Plan at New Delhi on 21-11-68. So far as educational schemes are concerned there is nothing much to comment. There are only two schemes under the head economic uplift which require some study. These are,

(1) assistance and loans-*cum*-subsidies for cottage industries, professions, etc., and (ii) housing. During my discussions with the Minister for Social Welfare, I could see that he was very much keen for providing housing to Scheduled Castes in Goa. The U.T. Government have already submitted to our Department proposals for a housing scheme for Scheduled Castes on the pattern of the housing scheme for Scheduled Tribes in the Union Territory of Dadra and Nagar Haveli already approved by the Government of India. Orders in the matter are still awaited. Regarding cottage Industries in which Scheduled Castes are engaged in Goa, there is only the cottage industry of bamboo work for which, in my view, there is not much scope for development particularly for want of market. There is some scope for development of leather work which in fact is being attended to by the Khadi and Village Industries

Board. Hence, there may not be any need for a separate scheme of cottage industry under the programme of B.C. Welfare. There may be a good scheme of rehabilitation of landless labourers amongst Scheduled Castes. But it can be taken up only if a survey of land is carried out and other records are prepared. At present it is very difficult to locate the lands as would satisfy the needs of these people. However, the Minister for Social Welfare informed me that adequate land was available for the purpose.

2. I also toured in Sattari Taluka to see whether any housing scheme might be taken up in some of the villages in this Taluka. The Mamlatdar and the Block Development Officer, Sattari Block, informed me that it would be possible for them to persuade about 50 Mahar families to avail of all the benefits of the housing scheme. The Block Development Officer informed me that in the first instance he would like to select three villages, *viz.*, Nagwe, Dhabe and Kokurde. Thereafter he would concentrate upon implementing the scheme, if sanctioned by the Government. As regards availability of land for cultivation the Mamlatdar informed me that there were as many as 38,365 acres of land which could be made available for cultivation. Unfortunately for want of land records it was not possible for him to allot these lands. Hence, the most important thing at present is to furnish to him necessary land records with instructions to take action for allotment of the same.

3. At Panaji a strong representation was made to me by some workers among the backward classes. They demanded that the Union Territory Government should specify a list of backward classes for the purpose of education and other concessions. In fact there was a question in the Legislative Assembly to which the Chief Minister had replied that the Union Territory Government was contemplating to specify the socially and educationally backward classes other than the Scheduled Castes and Scheduled Tribes. The matter has been taken up with the Government about the action taken thereon.

APPENDIX XIV

(*Vide* para 6.1 of the Report)

No. 74|72|52-Public

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

From

Sardar Fateh Singh,
Deputy Secretary to the Government of India.

To

The Accountant General, Central Revenues,
New Delhi.

New Delhi (2), *the* 14*th October*, 1962.

SUBJECT: *Commissioner for Scheduled Castes and Scheduled Tribes —Conditions of service of;*

Sir,

I am directed to say that the President has been pleased to decide that the conditions of service of the post of Commissioner for Scheduled Castes and Scheduled Tribes will be regulated by the rules mentioned below:—

Pay: To be fixed on each change of incumbancy.

Tenure: The tenure of the post will be three years which may be further extended, if considered necessary in the public interest. Notwithstanding the provisions of Fundamental Rule 56, the incumbent will be eligible to hold the post for full period of tenure, including any extensions granted, irrespective of his age.

Travelling and Daily Allowance: As admissible to Secretaries to the Government of India.

Leave: To be regulated by the revised Leave Rules 1933 as amended from time to time.

Miscellaneous: (a) *Motor Car Advance*: As admissible to Secretaries to Government of India.

(b) *Residence*: As admissible to Secretaries to the Government of India; but the rent to be charged will not exceed 10 per cent of the emoluments.

(c) *Other matters*: To be regulated by orders that may be issued from time to time.

2. The above rules will be applicable only to persons who are not in Government Service at the time of appointment to the post of Commissioner for Scheduled Castes and Scheduled Tribes.

3. The pay and Travelling Allowance etc. of the present incumbant, Shri Shrikant, will continue to be regulated by the orders issued in the Ministry of Home Affairs letters No. 74|2|50-Public, dated the 11th December, 1950 and No. 74|48|51-Public, dated 4th February, 1952, respectively.

Yours faithfully,
(Sd.) FATEH SINGH,
Deputy Secretary to Govt. of India.

APPENDIX XV

(*Vide* para 3.19 of Report)

Copy of D.O. letter No. 1|38|69-RU, dated the 2nd April, 1969 from Shri N. Sundaram, Director General, B.C.W. and Ex-officio Joint Secretary, Department of Social Welfare to all the Zonal Directors

I am enclosing two copies of a paper setting forth your functions as Zonal Director. The material has been derived from the suggestions made by some of you in response to my earlier oral requests.

I would welcome any suggestions you may wish to make before the paper is formally circulated as an Office Order.

FUNCTIONS OF THE ZONAL DIRECTORS FOR BACKWARD CLASSES WELFARE

1. To function as a Senior Liaison Officer, by maintaining personal contacts, at the State level, with the Secretary and Director, Harijan and Tribal Welfare, and calling on the Chief Secretary and the Ministers concerned whenever necessary.

2. To report to the Director General important happenings in the States affecting the interests of the Scheduled Castes and Scheduled Tribes with particular reference to the news items appearing in the local press concerning the problems of the Scheduled Castes and Scheduled Tribes as well as the views expressed by the members of the State Legislative Assembly|Council.

3. To attend meetings of the Tribes Advisory Council|Board and the State Advisory Board for Harijan Welfare and other meetings connected with the welfare of Backward Classes and to keep the Director General informed of the important recommendations made at these meetings.

4. To keep watch on the progress of implementation of the Centrally sponsored and State Sector Schemes in the various States

Union Territories, and undertake evaluation studies of major schemes, particularly Post-Matric Scholarships, T.D. Blocs, and Tribal Co-operatives from time to time.

5. To inspect the office and the institutions run by non-official organisations receiving grants-in-aid directly from the Central Government and also carry out once a year, audit of performance of such organisations.

6. To assist the State and Central Governments, in designing new schemes and pilot projects for the welfare of the Scheduled Castes and Scheduled Tribes from time to time.

7. To keep in touch with the administration of the Scheduled and Tribal Areas in the States|Union Territories, under their jurisdiction, and study problems of sensitive tribal areas.

8. To associate themselves with the Tribal Research and Training Institutes in the States and with their assistance to undertake coordinated studies to evaluate the working of schemes undertaken for the welfare of Scheduled Castes and Scheduled Tribes, the impact of protective legislation, and socio-economic changes.

9. To investigate complaints of serious nature received directly by them and to make enquiries into such complaints which may be referred to them by the Director General and the Commissioner for Scheduled Castes and Scheduled Tribes from time to time.

10. To submit to the Director General monthly reports on the work transacted, the political situation in the Zone (with particular reference to Backward Classes), progress of important developmental schemes, and such other matters as may be prescribed. Special reports shall be submitted whenever an unusual or important event occurs.

11. To help the State Governments in removing the bottlenecks that may come to their notice in the actual implementation of the sanctioned schemes, to suggest modifications whenever necessary and assist the States in the formulation of new schemes and policies in the light of local needs.

12. To assist the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes in undertaking special studies whenever called upon to do so.

13. To keep in touch with the Members of Parliament and State Legislatures while on tour.

14. To execute pilot projects as directed by the Director General.

15. To act as a friend, philosopher and guide to the members of Scheduled Castes and Scheduled Tribes.

16. Carry out any other task that may be entrusted to them.

APPENDIX XVI

(*Vide* para 3.20 of Report)

Copy of Department of Social Welfare letter No. 1|3|67—SCT. IV dated the 8th August, 1967, addressed to all the State Governments|Union Territory Administrations regarding Reorganisation of the office of the Commissioner for Scheduled Castes and Scheduled Tribes and the Director, Backward Classes Welfare, copy endorsed to all Zonal Directors, B. C. W., Ministries of the Government of India and Planning Commission.

I am directed to say that the question of reorganising the offices of the Commissioner for Scheduled Castes and Scheduled Tribes and the Director, Backward Classes Welfare has been engaging the attention of the Government of India for some time past. After careful consideration, the Government of India have decided to set up a Directorate General of Backward Classes Welfare as per decisions contained in this Department letter No. 4|6|67-SCT.I (i), dated the 3rd June, 1967 and No. 2|7|67-SCT. I (i), dated the 3rd June, 1967, copies of which are enclosed for information.

2. Shri N. Sundaram has been appointed Director General, Backward Classes Welfare and ex-officio Joint Secretary to the Government of India in the Department of Social Welfare.

3. Five Zonal Offices are being set up under the Director General with Headquarters at Bhopal, Chandigarh, Ranchi, Baroda and Madras. Shri K. K. Leuva has been appointed Zonal Director, Western Zone.

4. It is requested that full cooperation may kindly be extended to the Organisation of the Director General, Backward Classes Welfare.

APPENDIX XVII

Statement showing the summary of conclusions/Recommendations of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes in the Report.

Sl. No.	Reference to para No. in the Report	Summary of conclusions/ Recommendations
1	2	3
1	1.27	The Committee note that the Special Officer under Article 338 of the Constitution (designated by the Government as the Commissioner for Scheduled Castes and Scheduled Tribes) was appointed for the first time on the 18th November, 1950 and he submitted his first report to the President covering the calendar year 1951. The Committee greatly appreciate the pioneering work done by the first Commissioner for Scheduled Castes and Scheduled Tribes, who built up his organisation from a scratch, laid down new procedures and lines of inquiry, and projected the image of an impartial officer charged with the duty of investigating all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution.
2	1.28	It is evident from the Fifth Report that from 1954 onwards the Commissioner for Scheduled Castes and Scheduled Tribes increasingly associated himself with the examination of schemes for grants-in-aid received from the various State Governments and non-official agencies for the development of the scheduled and tribal areas as, in his opinion, "This type of detailed examination of welfare schemes coupled with my personal experience gained through my tours and the reports received from

1	2	3

the Regional Assistant Commissioners, help me considerably in the proper evaluation of the welfare activities going on in the country and in advising the Government of India as regards the type of welfare schemes which should be taken up and the extent of financial help which should be given for these activities." Further, the Commissioner's organisation helped the State Governments in the formulation of their schemes in their proper implementation.

The Estimates Committee of Lok Sabha (1958-59) as also other Governmental Committees doubted the desirability of the Commissioner getting involved in the examination of the schemes received from the State Governments or the examination of the accounts of the non-official organisations receiving grants from the Centre as also serving as a nominee of the Central Government on the Managing Committees of several non-official organisations. While the Estimates Committee recommended that the Commissioner should be fully detached in his work and "should not be associated with the work of formulation of the schemes as he would have to criticise them later", this Committee note with regret that the Government did not accept the recommendation of the Estimates Committee. The result was that the Commissioner for Scheduled Castes and Scheduled Tribes continued to be associated with the examination of the Government schemes—a function which was devolved on him not by any Government resolution or notification but by an informal arrangement made by the Ministry of Home Affairs and which later on turned out to be a sort of convention.

1.30 The Committee further note that in February, 1967, there was an awareness of the fact that

1	2	3
		the Commissioner, who had to play an independent role as a critic of Government policies and actions, should not get involved in the implementation of the schemes undertaken to give effect to the safeguards provided in the Constitution for Scheduled Castes and Scheduled Tribes.
	1.31.	The Committee are firmly of the opinion that the Commissioner for Scheduled Castes and Scheduled Tribes should not be called upon by the Government to express any opinion as to the suitability or otherwise of development schemes, because the Commissioner has to function as an effective assessor of the Government policies and action as enjoined on him under Article 338 of the Constitution. In the same manner, the Committee feel that the Commissioner should not be represented on any of the Governmental Committees set up to approve or chalk out schemes for development purposes. It is, however, open to the Government to consult the Commissioner and seek his advice.
3	2.26	The Committee fully agree with the Report of the Elayaperumal Committee that India being a vast country, with the population of the Scheduled Castes and Scheduled Tribes spread over throughout the country, even in areas not easily accessible, and the problems of these communities created by social injustice, isolation and exploitation numerous and complicated, it is very essential that the Commissioner for Scheduled Castes and Scheduled Tribes should have an adequate field organisation to enable him to discharge his constitutional obligations effectively and satisfactorily.
4	2.27	The Committee are surprised that the Department of Social Welfare had unilaterly decided to upgrade the office of the Director, Backward Classes Welfare to that of Director General, Backward Classes Welfare, and to create a field organisation for the latter's office

1	2	3
		at the cost of the Commissioner's field organisation. The Department of Social Welfare, instead of approaching the Ministry of Finance and, if necessary, the Cabinet, for necessary financial sanction, devised the simple and easy method of abolishing the field organisation of the Commissioner and re-appropriating the funds thus saved for creating the organisation of the Director General, Backward Classes Welfare. Although the officials of the Department of Social Welfare agreed that "the ideal arrangement would be for the Commissioner and the Director General to have separate field organisations," the repeated pleading of the then Commissioner with the Department and the Minister had no effect and the new arrangement proposed by the Department was put into effect despite the Commissioner not finding the reorganised pattern acceptable. The Committee further note that three alternatives were placed before the Commissioner, viz., (i) an Organisation with five Regional Offices involving an additional expenditure of Rs. 4,13,700; (ii) an organisation with three Regional Offices involving an additional expenditure of Rs. 1,87,700; and (iii) an Organisation at the Centre only with no field organisation involving a saving of Rs. 52,600. The Commissioner agreed to the first alternative but the Department ultimately chose to abolish completely the field organisation of the Commissioner.
	2.28	The Committee regret to note that on the plea of reorganisation, the Commissioner's field organisation has been disbanded despite his strong opposition to the proposal. It appears to the Committee that the Department of Social Welfare had already decided to abolish the field organisation of the Commissioner and later on presented to the Commissioner a *fait accompli*. In the opinion of the Committee, this is hardly

1	2	3
		the way in which an officer of the status of the Commissioner appointed by the President under Article 338 of the Constitution should have been treated by the Government.
	2.29	The Committee are firmly of the view that by abolishing the field organisation of the Commissioner, the Government have not only crippled the organisation of the Commissioner and deprived him of his "eyes and ears" in the country but have also denigrated his office, his status, his authority and his capacity to discharge his constitutional obligations.
	2.30	The Committee, therefore, strongly recommend that the Commissioner should be provided with a field organisation of his own. They also suggest that the Government should take urgent action to enable the Commissioner to reconstruct and set up the field organisation at all necessary levels. The strength of the organisation as also the placement of officers and staff should be decided by the Commissioner himself.
5	3.18	The Committee are constrained to obstrve that the functions of the Zonal Directors under the Director General, Backward Classes Welfare have not been precisely defined. The functions as contained in the Government of India letter dated the 3rd June, 1967 mention only the broad functions that have to be performed by the Zonal Directors. Nowhere has it been laid down as to the nature of liaison work that a Zonal Director is supposed to carry on, the inspections that he has to make and the periodicity thereof, the studies that he has to undertake, the meetings that he has to attend, the grievances that he is supposed to investigate and redress, the guidance that he has to render to the State Governments in the removal of bottlenecks in the implementation of the schemes, the nature of

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		assistance that he has to render to the Commissioner for Scheduled Castes and Scheduled Tribes and the public relations work that he has to conduct. The Committee are also unhappy that the recruitment rules pertaining to the Zonal Directors have not yet been finalised.
	3.19	The Committee cannot too strongly emphasise the need for a clear enunciation of the functions of the Zonal Directors and embodying them in a manual of business so that each Zonal Director knows the job that he has to perform as a representative of the Central Social Welfare Department in the State to which he is posted. They also hope that Government would take early steps to finalise the conditions of service and recruitment of the Zonal Directors.
6	3.20	The Committee note that the Zonal Directors experience considerable difficulties in collecting information either for the Commissioner for Scheduled Castes and Scheduled Tribes or for the Director General from the various Departments of the State Governments and whatever information they get is more or less on the basis of personal contact. The Committee consider it imperative that the functions and powers of the Zonal Directors should be made known to the State Governments and a working arrangement should be made in co-operation with the State Departments of Social Welfare so that there is a steady flow of information to the Zonal Directors in regard to the progress of schemes, either in the State or Central sectors, for the Welfare of Scheduled Castes and Scheduled Tribes.
7	3.21	In the previous Chapter the Committee have recommended the restoration of the field organisation of the Commissioner for Scheduled Castes and Scheduled Tribes. After the Commissioner has got the field organisation, it would

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		be necessary to redefine the functions of the Zonal Directors and their relationship with the Commissioner's organisation.
	3.22	The Committee note that the Commissioner for Scheduled Castes and Scheduled Tribes was receiving the fullest co-operation from the Zonal Directors, but henceforth a new relationship has to be evolved between the office of the Commissioner for Scheduled Castes and Scheduled Tribes and the office of the Director-General, Backward Classes Welfare, so that both can play their allotted parts for the amelioration of the conditions of the Scheduled Castes and Scheduled Tribes, the former acting as a performance auditor and the latter as an Executive charged with the implementation of schemes.
8	3.23	During the past one year several Study Groups of the Committee have undertaken visits to different States, namely, Uttar Pradesh, Punjab, Madhya Pradesh, Rajasthan, Maharashtra, Mysore, Tamil Nadu, Kerala, and Bihar and the Union Territories of Goa, Himachal Pradesh and Chandigarh, to study on the spot the social and economic conditions of Scheduled Castes and Scheduled Tribes. They have observed from close quarters the pitiable living conditions of Scheduled Castes and Scheduled Tribes at various places. They have had discussions with non-officials and officials to gather first hand information about the problems confronting the Administration. They have noted that untouchability is still being practised in some form or other especially in rural areas and the number of offenders brought to book under the Untouchability (Offences) Act, 1955 is deplorably low. They have observed that there is considerable wastage in the primary, middle and secondary education and there is growing unemployment among educated Scheduled Castes and Scheduled

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		Tribes. There is a universal clamour for allotment of land and a demand for protection against eviction and land alienation. Scheduled Castes and Scheduled Tribes do not get due share in the cooperative sector and even those societies, which have been set up for their benefit, are not functioning properly due to lack of funds and managerial skill. The occupancy rate in hostels set up for tribal boys and girls is generally on the low side and in some areas the number of hostels set up falls far short of the demand. The Study Group have received numerous complaints about the inadequacy of the quantum of scholarships and stipends given to boarders and students both at the pre-Matric and post-Matric stages. The Scheduled Tribes in Bastar District of Madhya Pradesh are still suffering from several contagious forms of diseases and the menace of guineaworm disease has not yet been eradicated in Rajasthan. There is a pressing need for provision of drinking water facilities in the remote areas and improvement of housing conditions, provision of irrigation facilities in rural areas etc. Although reservation in services have been made for both Scheduled Castes and Scheduled Tribes, there is still a large gap to be filled up. The Committee are constrained to observe that the orders regarding reservation in services in the States visited by the Study Groups are honoured more in the breach than in the observance.
	3.24	The Study Groups of the Committee have noted that in some States Evaluation Committees have been set up to assess the impact of welfare schemes. This is a step in the right direction. In view of the fact narrated in para 3.23, the Committee feel convinced that there is a pressing need for setting up more such Evaluation Committees to study the different problems confronting the Scheduled Castes and Scheduled Tribes,

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		both at the Central and State levels. The Committee also feel that voluntary organisations receiving grants from the Centre and the States can play a significant role in this direction. The Committee note that some of the Zonal Directors have conducted some socio-economic surveys and also sent monthly reports to the Director General for Backward Classes Welfare on the basis of tours undertaken by them in the districts in regard to various matters, namely, post-matric scholarship, practice of untouchability, allotment of land, welfare schemes, hostels, problems of sweepers and scavengers, etc. The Committee are however, firmly of the opinion that schemes for socio-economic surveys and evaluation studies to be undertaken by the Zonal Directors during the course of a year should be planned Centrally and drawn up well in advance in consultation with the State Governments. Definite time targets for their completion should also be laid down. The surveys conducted by the Zonal Directors should be published by the Department of Social Welfare after proper scrutiny and made available to the State Governments, Central Ministries and Departments concerned, as also to Members of Parliament and State Legislatures. This should enable the public to gauge the extent of development that has taken place in a State in regard to the welfare of Scheduled Castes and Scheduled Tribes.
9	3.25	The Committee further suggest that the Government may consider whether the field organisation of the Director General as also the set-up at his headquarters should not be strengthened, keeping in view the extensive nature of the areas to be covered and the problems to be tackled both at State and Central levels.
10	3.26	The Committee also feel that in view of the fact that the bulk of the work of the Director

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		General, Backward Classes Welfare, pertains to the welfare of Scheduled Castes and Scheduled Tribes, he should be designated as the Director General for Scheduled Castes and Scheduled Tribes.
11	3.27	The Committee would like to emphasise that problems of the Scheduled Castes and Scheduled Tribes are vastly complex and colossal and a missionary zeal on the part of Central and State Officers is called for if those have to be tackled firmly and effectively. The Committee hope that the Centre and States would work in perfect co-ordination to promote the educational and economic interest of the Scheduled Castes and Scheduled Tribes and protect them from social injustice and all forms of exploitation.
12	4.10	While the Committee agree that there cannot be a uniform pattern of organisation in all the States for the administration of schemes relating to the welfare of Scheduled Castes and Scheduled Tribes, they feel convinced that there should be a separate department, directorate or an office dealing with the welfare activities of Scheduled Castes and Scheduled Tribes. This department, directorate or office should not be saddled with other social welfare activities, namely, welfare of other backward classes, education, training and rehabilitation of the handicapped, programmes for destitute children and women, social defence, prohibition, etc. Within this Department, directorate or office, there should be a programme evaluation and coordination cell charged with the function of collecting statistics relating to the progress of welfare schemes for Scheduled Castes and Scheduled Tribes within the State and also for feeding the Commissioner for Scheduled Castes and Scheduled Tribes as also Director General, Backward Classes Welfare or his representative with whatever statistical information they want for their Reports.

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13	4.11	The Committee also feel that the Director/ Officer-in-charge of the Directorate or office should be one who has distinct aptitude for social work and sympathy for weaker sections of the community. In general and for Scheduled Castes and Scheduled Tribes in particular and should be of fairly senior rank. As far as possible, transfers, particularly at higher levels, should be made after full tenure so that the officers may get sufficient time to acquaint themselves with the problems and also take effective measures for their solution. A Study Group of the Committee during their visit to Bastar district of Madhya Pradesh gathered the impression that staff at lower levels is frequently transferred and that transfer to such remote areas is considered by the staff to be a sort of punishment. The practice of frequent transfer should be discontinued.
14	4.12	The field staff should be properly recruited. In order to attract competent field workers for working in remote tribal areas, it is necessary to adequately compensate them. The District Officer should have adequate field staff down below at Block or Tehsil level, in executing their own schemes, instead of relying on other departments for implementation and reports. The non-official Committees, both at the State and District levels should be active and hold meetings periodically.
15	4.13	The Committee cannot too strongly emphasise the need for according the Social Welfare Department or Directorate the importance that it deserves considering the fact that it has to cater to the needs of 20 to 25 per cent population of a State.
16	4.18	The Committee note that arrangements have been made by the Commissioner with several

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		Universities for conducting selected studies on the welfare of Scheduled Castes and Scheduled Tribes. The Committee hope that more and more universities will be persuaded to take up studies on the living conditions and occupational patterns of Scheduled Castes and Scheduled Tribes. They would suggest that, as far as possible, area studies should be undertaken so that problems of a local or regional nature are discussed and highlighted.
17	4.19	The Committee also hope that the University Grants' Commission would agree to the suggestion of the Commissioner for reserving suitable number of junior fellowships for Scheduled Castes and Scheduled Tribes.
18	5.7	The Committee note that the Commissioner for Scheduled Castes and Scheduled Tribes receives complaints from Scheduled Castes and Scheduled Tribes in regard to cases of harassment, exploitation, etc. and the practice of untouchability. They also note that the number of such complaints is on the increase. The Committee consider that it is the constitutional responsibility of the Commissioner to investigate such cases of harassment or atrocities committed against Scheduled Castes and Scheduled Tribes persons irrespective of the fact that they might be under investigation separately by governmetal agencies. The Committee suggest that the Central Government may impress upon the State Governments concerned the desirability of promptly investigating the complaints referred to the later by the Commissioner for Scheduled Castes and Scheduled Tribes. Both the Central and State Governments should give due weight

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		to the findings of the Commissioner on the cases investigated by him. The action taken by the State Governments on such complaints should be regularly published in the Annual Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. A selection of the more important complaints investigated by the Commissioner as also by the State Governments should be made and published in the form of *ad hoc* Reports of the Commissioner to the President.
19	6.11	The Committee note that according to the Government of India (Ministry of Home Affairs) letter dated the 14th October, 1952, the normal tenure of the Commissioner for Scheduled Castes and Scheduled Tribes has been fixed for three years but extensions beyond this 3 year period have been given to more than one Commissioner. The first Commissioner was in office for about 11 years. The Committee consider that the tenure of a 3 year period given to a Commissioner is too short in asmuch as during the first 6—12 months of his tenure, the Commissioner has to familiarise himself with the problems facing the Scheduled Castes and Scheduled Tribes in different parts of the country. The Committee consider it desirable that every Commissioner should have a fixed tenure of five years and, in no circumstances, should this tenure be extended.
20	6.12	As regards the qualifications of the Commissioner for the Scheduled Castes and Scheduled Tribes, the Committee are in agreement with the views expressed by a former Commissioner that the incumbent of the post should be a public man and not from the Services. He should be a man well known for his sympathies and active interest in the welfare of Scheduled Castes and Scheduled Tribes. They are also in agreement

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		with the views expressed by the Estimates Committee (1958-59) in their 48th Report that the Commissioner's position is more or less analogous to that of a judge.
21	6.20	The Committee are unhappy to note that the Commissioner had been seriously handicapped in the discharge of his constitutional obligations inasmuch as files or relevant papers required by him for investigation purposes were not made available to him. The Committee hope that the Ministries and Departments will extend fullest co-operation to the Commissioner in this matter.
22	6.21	The Committee note that the status of the Commissioner is that of a Secretary to the Government of India and his name figures under entry 28 of the Warrant of Precedence. The Commissioner submits his Report to the President through the Minister of Social Welfare to whose Ministry the office of the Commissioner is at present attached for purpose of Parliamentary work. He functions as an independent officer insofar as the investigation of matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution is concerned. The Committee, however, feel that the Commissioner as a Special Officer of the President should be given a higher status at least equal to that of the Chairman, Union Public Service Commission and the Chief Election Commissioner and his name should be included under entry 25 of the Warrant of Precedence. The Committee also recommend that the matters relating to the powers, functions, status, tenure as also the organisation of the Commissioner should be laid down by an Act of Parliament.
23	7.5	The Committee note that there is no constitutional obligation to lay the Report of the Com-

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		missioner for Scheduled Castes and Scheduled Tribes before the State Legislatures. As, however, the Commissioner's Report deals with matters falling not only within the purview of the Central Government, but also of the State Governments, it is essential that the Report of the Commissioner should also be laid on the Table of State Legislatures so that the latter could initiate discussions on the Report of the Commissioner and also implement the recommendations made therein. The Committee hope that an arrangement will be made, in consultation with the State Governments for the presentation of the Report of the Commissioner in State Legislatures. If necessary, this matter should be regulated by means of a Constitutional amendment.
24	7.7	The Committee are glad to note that the question of effecting improvements in the coverage of the Report is under the active consideration of the Commissioner. They hope that it would be possible for the Commissioner to include the material in his Report on a subject-basis as well as on State-basis. Endeavour should also be made to include in each Report a statement showing the action taken by the Government, both Central and State, on the recommendations contained in the Previous Report.
25	7.8	The Committee would like to suggest only that it is not necessary for the Commissioner to present only one consolidated report at the end of the year. The Commissioner should be free to report to President as often as is necessary important matters affecting the interests of Scheduled Castes and Scheduled Tribes. The

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		Commissioner should also unhesitatingly bring to the notice of the President by means of his report about the action or inaction of the authorities, both Central and State, in implementing his suggestions.
26	7.9	The Committee further suggest that Government should endeavour to see that the Reports of the Commissioner are discussed in Parliament and State Legislatures soon after their presentation.
27	7.16	The Committee have given careful consideration to the matter and find that matters relating to the welfare of Scheduled Castes and Scheduled Tribes are at present looked after by two Ministries. The matters pertaining to safeguards for Scheduled Castes and Scheduled Tribes in services are dealt with by the Ministry of Home Affairs, and the remaining matters concerning them are dealt with by the Department of Social Welfare. The Committee feel that this is an unsatisfactory state of affairs. Since the matters pertaining to safeguards in services for Scheduled Castes and Scheduled Tribes have necessarily to be dealt with in the Ministry of Home Affairs who deal with the general question of services, the Committee feel that it would be desirable if the entire field of welfare of Scheduled Castes and Scheduled Tribes is looked after by the Ministry of Home Affairs. The independence of the Commissioner's Office should, however, be preserved and the Commissioner may send his Reports to the President through the Minister of Home Affairs. The Minister of Home Affairs will also be technically answerable to Parliament for all questions relating to the Commissioner's Reports and implementation of the recommendations contained therein.

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28	7.17	The Committee are also of the opinion that with a view to give due importance and urgency to the welfare of Scheduled Castes and Scheduled Tribes in the States, the main burden for which falls on the State Governments, the portfolio of the welfare of the Scheduled Castes and Scheduled Tribes should be held by the Chief Ministers of States themselves or by the Home Ministers of States.

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